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DESCRIPTIVE ANALYSIS
OF THE
THIRD JUDICIAL CIRCUIT COURT
WAYNE COUNTY, MICHIGAN

Compiled for the Institute for Court Management
as part of the Internship in the
Court Executive Officer Development Program

September 8, 1970

to

November 25, 1970

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Submitted By
L. M. Jacobs IV
Peter Haynes

TABLE OF CONTENTS

	<u>PAGE</u>
Summary and Abstract	1
Introduction to the Court	3
Glossary of Terms	13
Calendaring Management	15
Court Prepared Statistics as Reported to State Court Administrator's Office	25
Criminal Intake	31
Forensic Center Report	41
Assignment of Counsel	45
Sentencing	50
Pre Sentence Report as Prepared by the Wayne County Circuit Court Probation Office	57
Jury Management	62
Wayne County Jury Commission Prepared By Mary N. Morley	64
Jury Clerk's Duties Prepared By Bob Zimmerman	71
Jury Commission Statistical Report	82
Records Management	91
Appendix	99
Selected Bibliography	101
Index to Court Rules	102

SUMMARY AND ABSTRACT

Summary

This descriptive report of the Third Judicial Circuit Court, Wayne County, Michigan is the results of an internship program of the Institute for Court Management conducted from September 8, 1970 to November 24, 1970. The purpose of the report is to provide an analytically comparable description of management in the Calendaring Management, Jury Management, Sentencing, Criminal Intake and Recorder Management sub-systems as they were structured and operated in the Wayne County Circuit Court.

The report was submitted to the Institute for Court Management, University of Denver Law Center as partial fulfillment of the Court Executive Officers Development program and can be obtained from the Institute.

Abstract

The Judges in Wayne County Circuit Court have a strong interest in improving court procedures and have actively innovated in a number of areas (e.g. Calendaring). At present improvements are delayed by the high autonomy, of and lack of coordination between, various parts of the court system and the control of financial resources exercised by the County.

The docket of the Circuit Court is relatively devised of criminal cases (10%) and is significantly relieved from numerous minor civil matters, due to the presence of Specialized Courts within Detroit (i.e. Recorder's Court and Common Pleas Court). This governs the nature of areas deserving of further attention.

Suggested areas for specific study are Management, Financial

Management (budget), information systems, records management and in generally integrating the Fragmented System. Further study of the Friend of the Courts Office and general civil calendar procedures is specifically suggested.

THE INTRODUCTION
TO THE COURT

INTRODUCTION

The subject of this study is Wayne County Circuit Court, which is the Third Judicial Circuit Court of the State of Michigan (Fig. 1), operating in Wayne County and metropolitan Detroit. It is a constitutional trial court of general jurisdiction with unlimited jurisdiction in criminal and civil matters.

Wayne County Circuit Court is one of the largest and busiest metropolitan courts in the country, serving America's third most populous county. The population in 1970 is estimated to be 2.9 million increasing to 3.3 million in 1970. In 1969, 28,663 cases were initiated and 27,628 cases were disposed of by this Circuit Court.

The criminal jurisdiction of the court covers all felonies and high misdemeanors committed in Wayne County outside of the City of Detroit. The civil jurisdiction covers all types of civil cases including all chancery matters and law matters where the amount involved is more than \$3,000. In addition the court handles all divorce and paternity cases within the county and serves as an appellate court receiving the work of Probate Court, the Common Pleas Court of Detroit and its Landlord Tenant division, nine District Courts, eighteen Municipal Courts and non-traffic ordinance violations of the Recorder's Court of the City of Detroit (Fig. 2).

The majority (22) of the 27 Third Circuit Judges are housed in the county side of the City and County Building (14 - 19 floors) with the remainder (5) in the old County Building.

Supporting arms of the court are housed in a variety of buildings (Fig. 3). The City and County Building houses the Jury Com-

mission (17th floor), the Probation Department (12th floor), a branch office of the Friend of the Court (18th floor) as well as, the County Clerk (2nd and 3rd floors) and the Clerk's Records Department (in the basement). The Friend of the Court is situated in the old County Building (4th and 5th floors), the Marriage Counsellor in the Guardian Building, the Landlord-Tenant Division of the Common Pleas Court in the Lafayette Building and the Private Defender is in the Penobscot Building. "Out-county" offices are maintained by the Probation Department in Livonia and Lincoln Park (Fig. 4).

The Prosecutor's civil division is in the City and County Building (6th floor), but the main offices are maintained in the Recorder's Court. The county jail holds prisoners awaiting trial and is a separate building located near the Recorder's Court.

Other courts present in the area (Fig. 3) are the Michigan Appeals Court, which is in the First Federal Savings Building, and the Probate and Common Pleas Courts which are in the City and County Building (9th and 13th floors).

The Constitution of the State of Michigan affords "one court of Justice" with five constitutional courts. The five levels, in descending order of authority are the Supreme Court, the Appeals Court, the Circuit Court, the Probate Court, and District Courts. In Wayne County statutes have created Recorder's Court and the Court of Common Pleas whose judges are elected on a city wide bases (Fig. 2).

As a result of the presence of the Recorder's Court and the Court of Common Pleas in the City of Detroit, the criminal caseload of the Circuit Court in 1969 was only 6.9% of its total new cases (1,988 cases of the 28,663 total of new cases). This contrasts

with a statewide average for Circuit and Recorder's Courts of 22.9% (24,446 of the 106,730 total new cases). In 1969, Recorder's Court handled a total of 25,026 new felonies and misdemeanor cases. In 1969, Circuit Court handled 26,675 new civil cases. The Probate Court handled 14,759 and Common Pleas Court 130,370 new cases during that same year.

The State System is assessed to be a "Limited State Administrative Function," according to the Harry Lawson models, Type C-III: The judges are elected. There are at least two layers of trial court throughout the state with four layers in Wayne County and there's overlapping of jurisdiction in both the civil and criminal areas by specialized courts. The Supreme Court has superintending control over all courts. The Circuit Court has superintending control over all courts within its jurisdiction (Recorder's Court?) but, this authority has had limited exercise. The Supreme Court assigns judges and deals with rules and particular problem areas, and the Circuit Courts have exercised similar restrained superintending control.

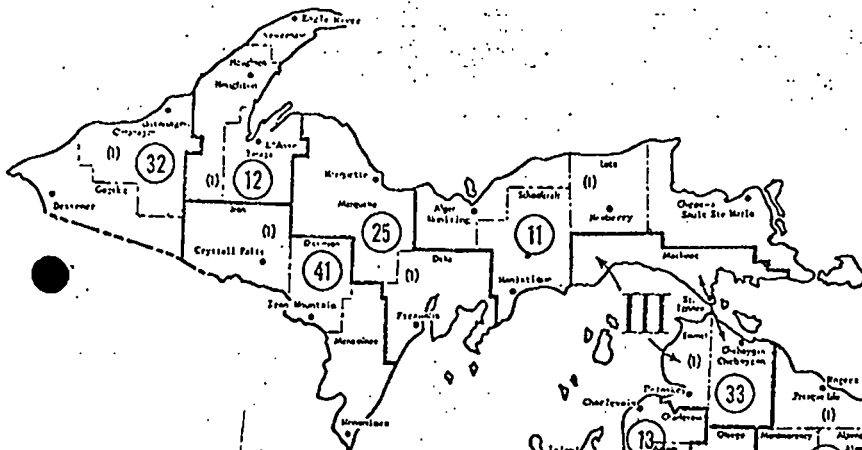
Administrative offices in both Supreme and Circuit Courts are statutory, but the staffs are few in number and their duties limited in nature. The trial courts are funded primarily by local agencies of government.

The salaries of the judges are supplied by the state (\$20,000 per annum) with a supplement from the county (\$10,000 per annum).

Each agency of the court makes up a proposed operating budget and these are submitted at one time to the elected County Board of Auditors under the sponsorship of the Presiding Circuit Court Judge. The auditors review and recommend acceptance or modification of the budget to an elected County Board of Commissioners who make their ruling and appropriate the needed funds from the general tax receipts

of the County. Capital outlays are similarly controlled.

The relationship between the various parts of the court system are indicated in Figure 5. The elected County Clerk is by statute the Circuit Court Clerk, and the elected Sheriff supplies and supervises courtroom deputies for each judge. The Governor appoints many of the court officials (on the recommendation of the judges) to conform with a prohibition of the Michigan Constitution forbidding judicial appointment of public officials. Most staff personnel are Wayne County Civil Service employees. This fragmented situation has created some autonomy for individual departments within the court organization.



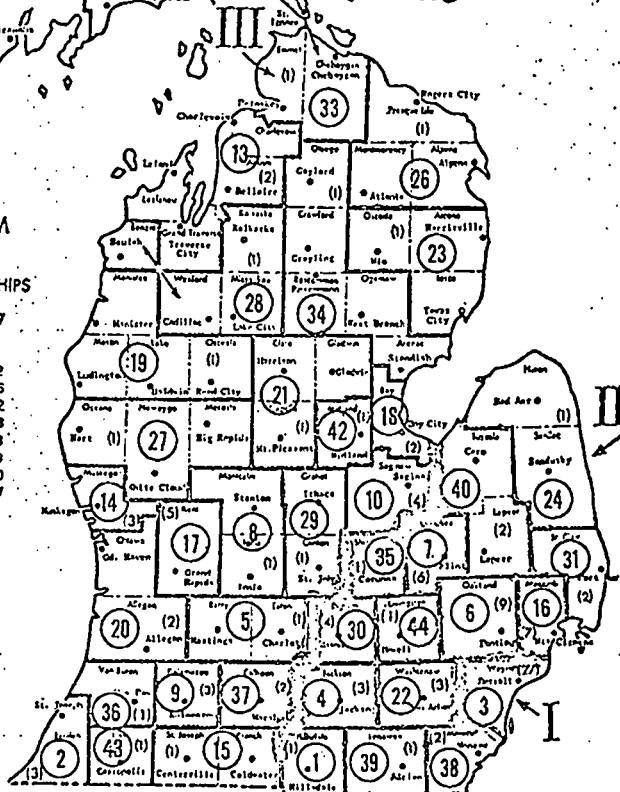
THE MICHIGAN JUDICIAL SYSTEM

COURTS	LOCATION	JUDGESHIPS
Supreme Court	Lansing	7
Court of Appeals	Detroit - 1st District	12
	Lansing - 2nd District	
	Grand Rapids - 3rd District	
44 Circuit Courts	County Seats	116
83 Probate Courts	County Seats	102
Recorders Court	Detroit	13
Recorders Court (Traffic & Ordinance Division)	Detroit	3
Common Pleas Court	Detroit	9
79 District Courts		150
35 Municipal Courts		57

LEGEND

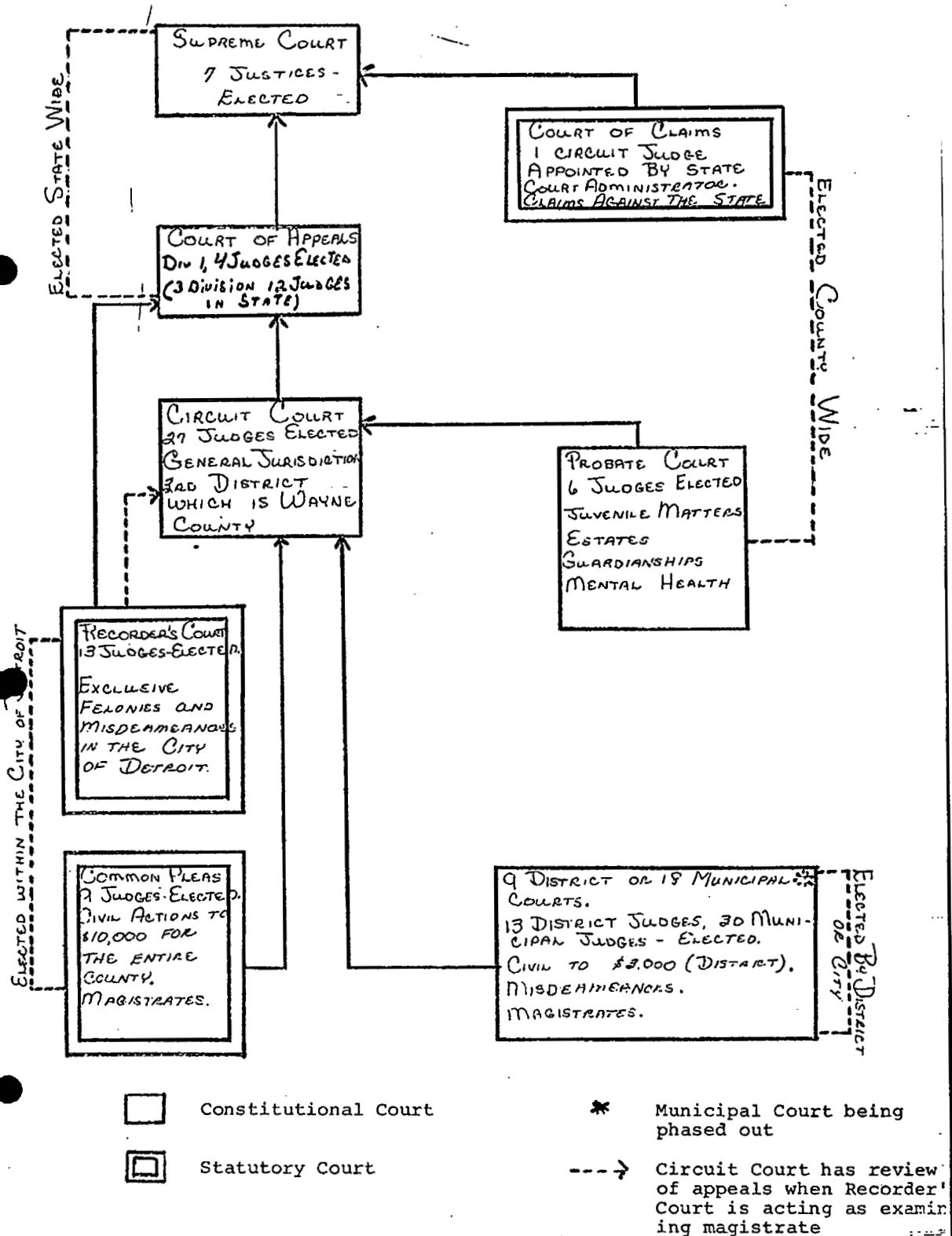
- ① Circuit Number
- (3) Number Circuit Judgeships
- County Seat
- I 1st District - Court of Appeals
- II 2nd District - Court of Appeals
- III 3rd District - Court of Appeals

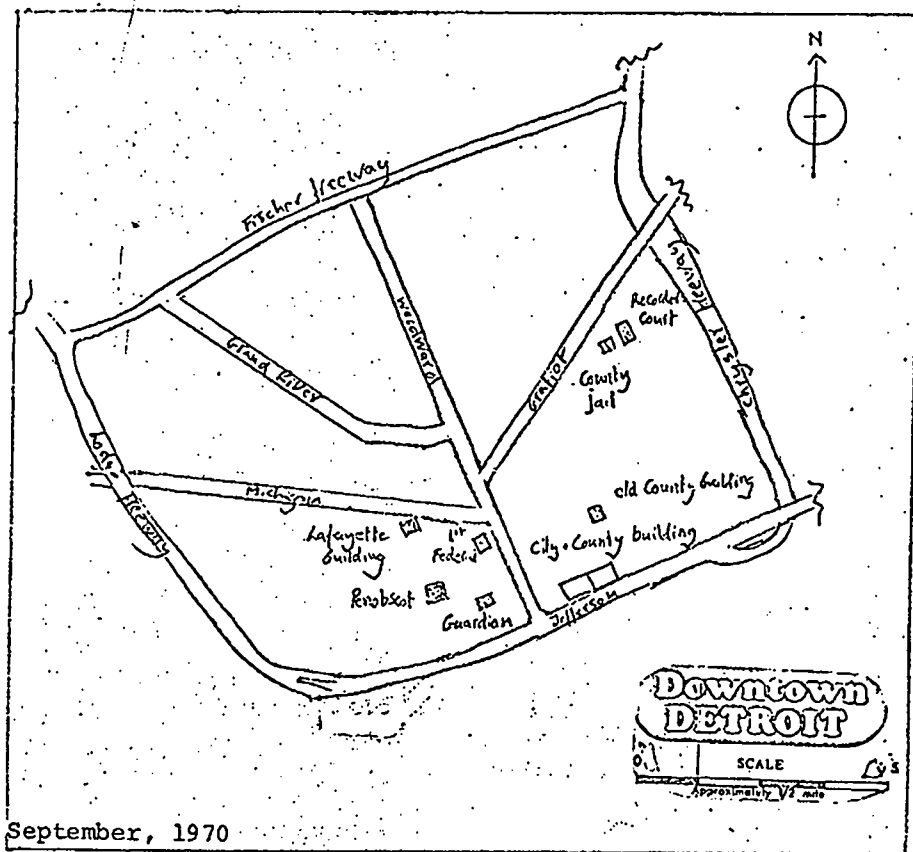
OFFICE OF THE STATE COURT ADMINISTRATOR
January 1, 1969

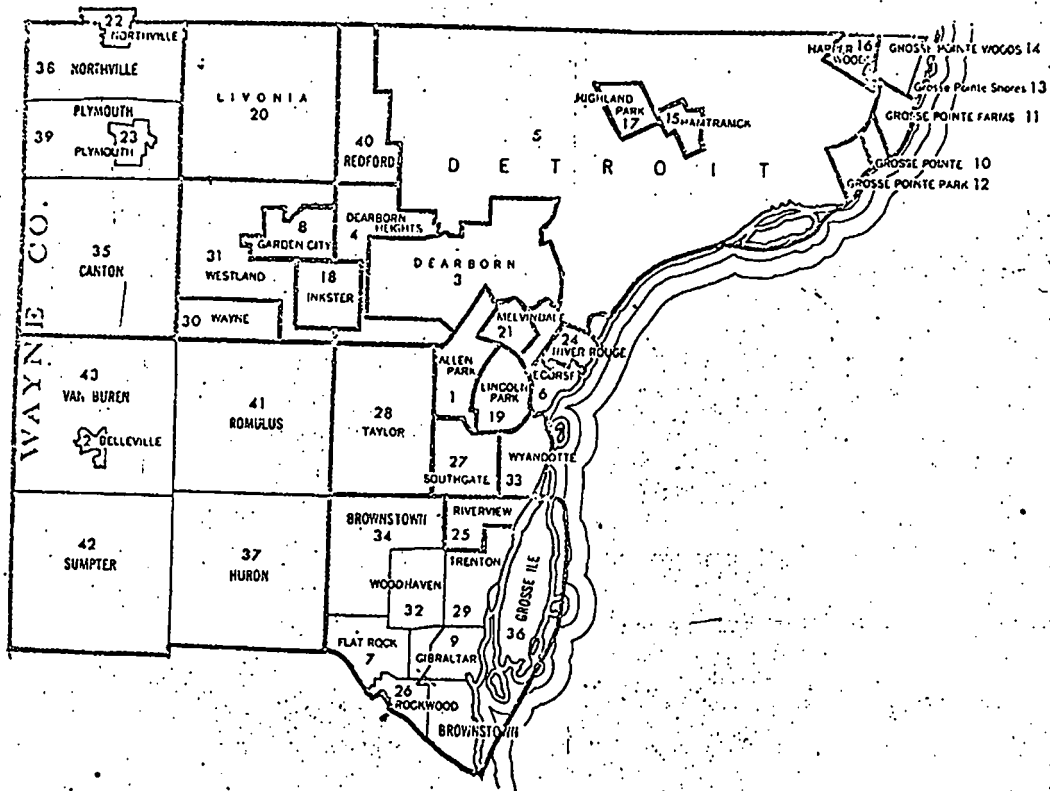


Third Judicial District,
Wayne County,
Michigan

Circuit Court Structure





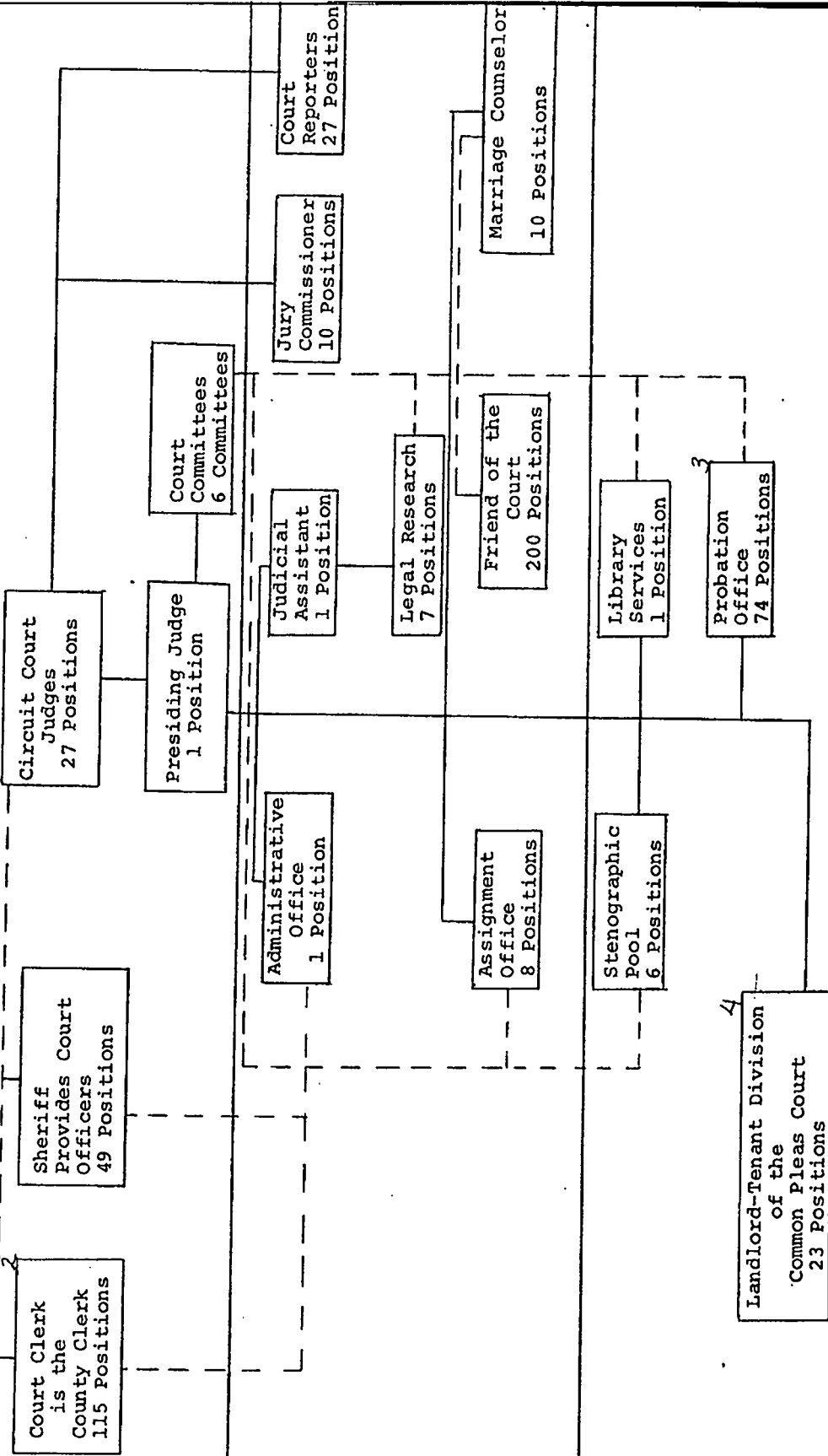


WAYNE COUNTY DISTRICT and MUNICIPAL COURTS

— COURT BOUNDARY

September, 1970

Third Judicial District, Wayne County, Michigan Circuit Organization¹



1. Generally staff personnel is covered by Wayne County Civil Service.
2. County Clerk office to be merged with Recorder of Deeds, January, 1972.
3. Probation Officers officially appointed by State Department of Corrections.
4. Dual authority arising from disputed statutory provision for appointment of Referees.

September, 1970

GLOSSARY OF TERMS

CRIMINAL PRETRIAL - A formalized plea bargaining session which takes place between an assistant prosecutor, the defendant's attorney, and in rare cases the defendant himself.

DEHOCO - The Detroit House of Correction; is a city operated detention facility for misdemeanants and the State's only prison for women. Situated in Plymouth, Michigan.

BAILIFF - Not a Court officer in Circuit Court. He is a process server working for the Landlord-Tenant division of the Common Pleas Court and Probate Court. Appointed by Judges, for life and paid on a fee basis.

FORENSIC CENTER - The State Center for forensic psychiatry located in Ypsilanti, Michigan, since 1967, diagnoses and evaluates patients committed by Criminal Courts and reports the findings to the Courts. Mainly evaluates the individuals competency to stand trial.

FRIEND OF THE COURT - Statutory office Act 412, P.A. 1919. This adjunct of the Circuit Court assists in resolving divorce, annulment, separation, paternity and uniform reciprocal support proceedings involving minor children.

FATHERS DAY - A colloquial expression for Friday the day non-contested divorce proceedings and motions pertaining to contested divorces are scheduled.

OUT COUNTY OFFICES - Small branch offices maintained by the Probation department (in two places) and the prosecutor's office (one location) designed to serve clients in the Out County area.

NO PROGRESS CALENDAR - Civil cases which have had no action in the twelve (12) months following filing are placed on the No Progress Calendar and are then dismissed if no action is taken in the next 30 days.

HOLMES YOUTHFUL TRAINEE - Defendants between the ages of 17 and 21 can be placed by the Court under this act. Defendant may be placed on probation with the possibility that his record be expunged if performance is satisfactory.

PRIVATE DEFENDER'S OFFICE - A corporation set up by the Michigan Bar Association, which hires attorneys. These attorneys can be appointed to defend indigents by the Judges. The attorneys are paid directly and turn over the fees to the corporation to avoid a corporation practicing law.

PRO CONFESSO "PROCONS" - Non-contested divorce hearings usually held on Fridays.

SPINOFF - Those cases which are not begun on the assigned day and are placed on a "Spinoff" list to be heard in chronological order as Judicial time becomes available.

SHERIFF - The Court Officer employed by the County Sheriff's department.

'RECORDER'S COURT' - A City of Detroit Court responsible for all felonies and misdemeanors committed within the City of Detroit.

WALKER HEARING - Michigan term for a hearing on the admissability of evidence.

DETROIT LEGAL NEWS - The official newspaper of the Wayne Circuit Court - published daily.

MICHIGAN TRAINING UNIT (MTU) - Defendants may be committed to the department of correction with a recommendation that they may be accepted for this vocational training institute (not always accepted.)

MSA - Michigan Statutes Annotated.

MCLA - Michigan Compiled Laws Annotated - Most commonly used citation for Michigan Statutes.

CALENDARING MANAGEMENT

CALENDARING MANAGEMENT

Criminal Calendaring as of May, 1970:

This system utilizes a master calendar. Judges are assigned to the criminal division of the Wayne County Circuit Court for a ninety day period. Five judges per ninety days rotated from the seniority list of the 27 judges. However, adjournments are heard by the Presiding Judge and not are heard by the judge assigned to the case. The assigned judge continues with the commenced criminal case until disposition even if he has completed his tenure in the criminal division. Arraignments are heard by the Presiding Judge or the Presiding Judge Pro Tem. Time standards are set as described in the criminal intake subsystem. The standards for the criminal intake subsystem actually achieve the scheduling of case requirements normally found in a calendaring subsystem. Criminal cases are given priority in terms of manpower and utilization of effort by the court. Pleas negotiation has been formalized by a criminal pre-trial or a mandatory plea discussion between the prosecutor and defense counsel. There is little utilization of statistical data in a management sense in calendaring process both civil and criminal.

Civil Calendaring as of Jan. 1969:

The civil calendaring procedures is a hybrid type combining an individual assignment calendar, for motions and pre-trials and the master calendar system for trials. All cases are assigned to a motions and pre-trial judge, upon filing, by category of civil action, general civil, divorce, or auto negligence. This judge is responsible for the case until the completion of pre-trial. During the period of observation this rule had been modified as the original judge was assigned only for motions and the pre-trials were also handled on a master calendar basis. This is to be returned to the

original court rules method. The temporary use of a master calendar for pre-trials was a result of disparity amongst the judge's caseloads in terms of the lapse period between filing and pre-trial. With the master calendar system for pre-trials, the pre-trials were completed to the point where there was a 6 month lapse between all pre-trial and trial. With this situation the calendaring system was returned to the original assignment on the individual calendar to a judge for motions and pre-trials. Pre-trial calendars are set by earliest praecipe numbers first. Cases assigned for trial are also placed on the trial calendar lowest praecipe number first. Cases are assigned to judges for trial on what is termed "a blind draw". This being a random selection method whereby one-half the available judges per day are assigned three cases each. The attorneys then go directly to the assigned judge's courtroom and if the judge is not able to dispose of their case they return to the assignment clerk's office and are placed on the spinoff list. The case remains in the assignment clerk's office at the discretion of the assignment clerk until he ascertains he will be unable to schedule the case that day. The attorneys are then on telephone call and are usually given notice in the afternoon that they will be assigned to a judge the next morning. During the period of observation the spinoff list built up from a total of 12 cases to 80 then dropped to 60 cases. This breakdown came about due to the assignment of cases on Jewish Holidays and the fact that the pre-trial calendar revision allowed older or "more complex cases" to be scheduled. This buildup on the spinoff list has caused a temporary hiatus in scheduling civil cases for trial until those cases on telephone call are disposed of by the court.

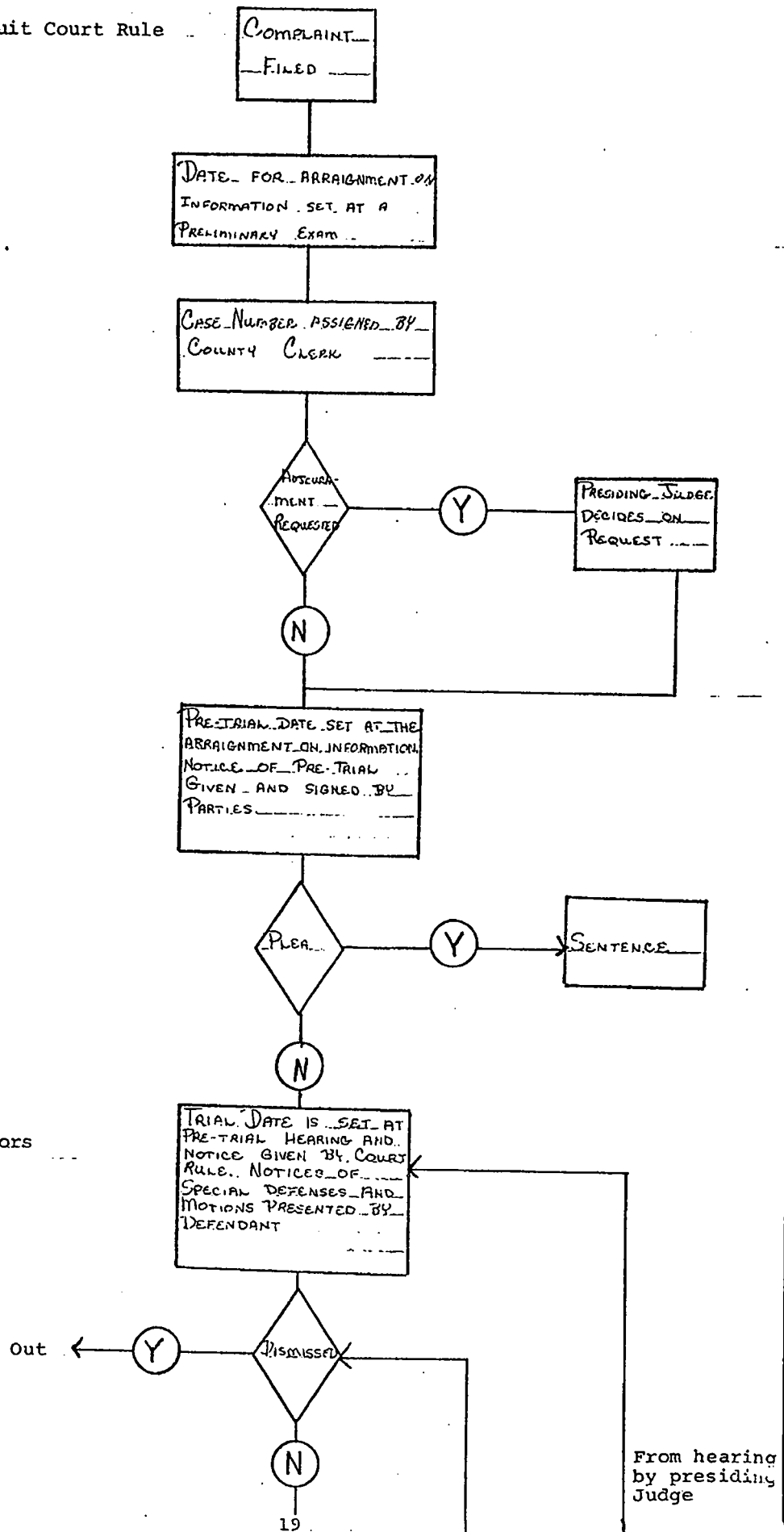
Domestic relations cases which includes divorce, paternity, and reciprocal support actions are handled by a different calendaring procedure which is not within this study.

Lower Court
According to Circuit Court Rule

County Clerk

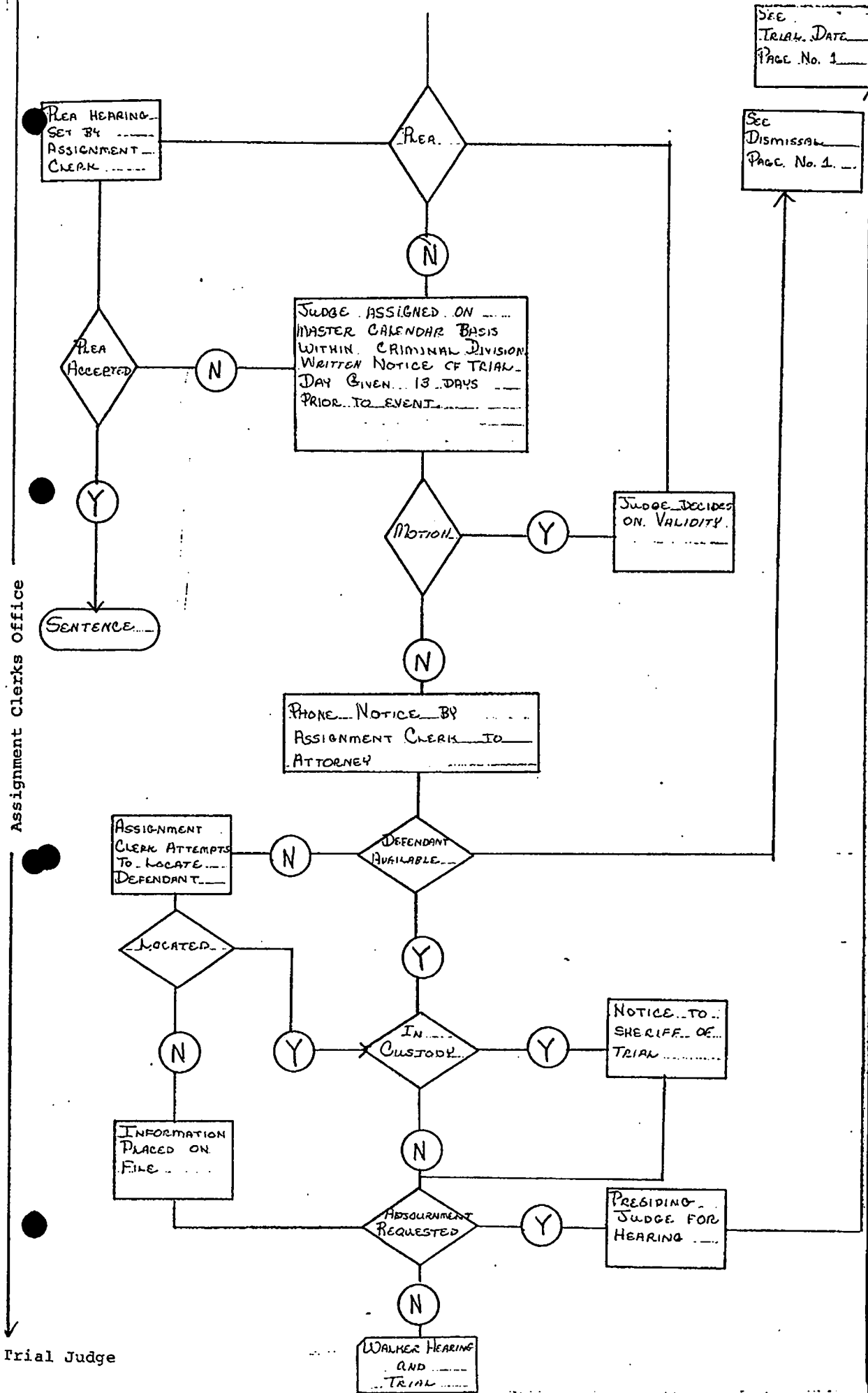
Presiding Judge

Assistant Prosecutors
Office



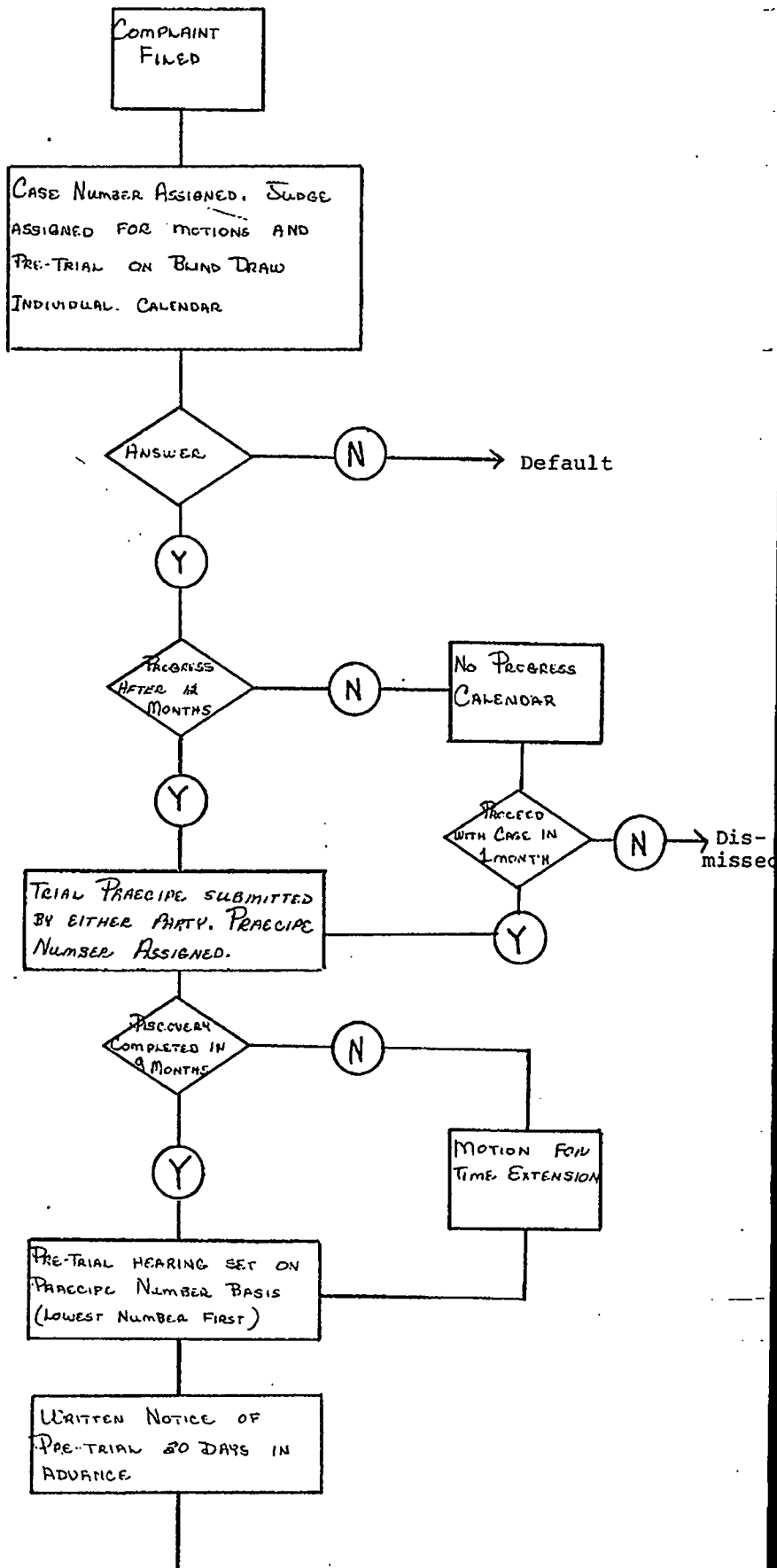
Assignment Clerks Office

Trial Judge



Calendaring Management
Civil Cases excluding
Domestic Relations

Circuit Court
County Clerk



Assignment Clerk

Parties with Judge

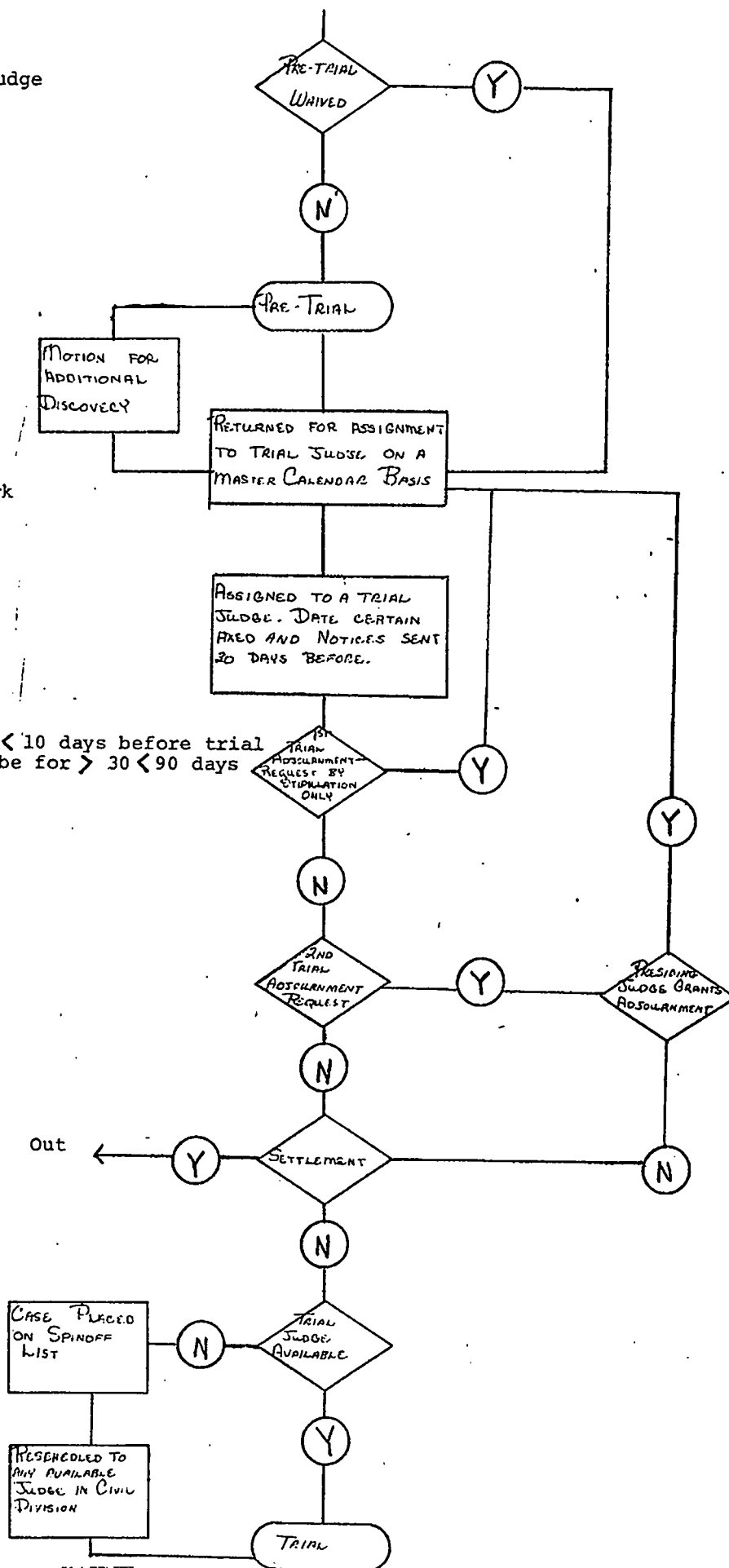
Assignment Clerk

Presiding Judge

Trial Judge

Assignment Clerk

Trial Judge

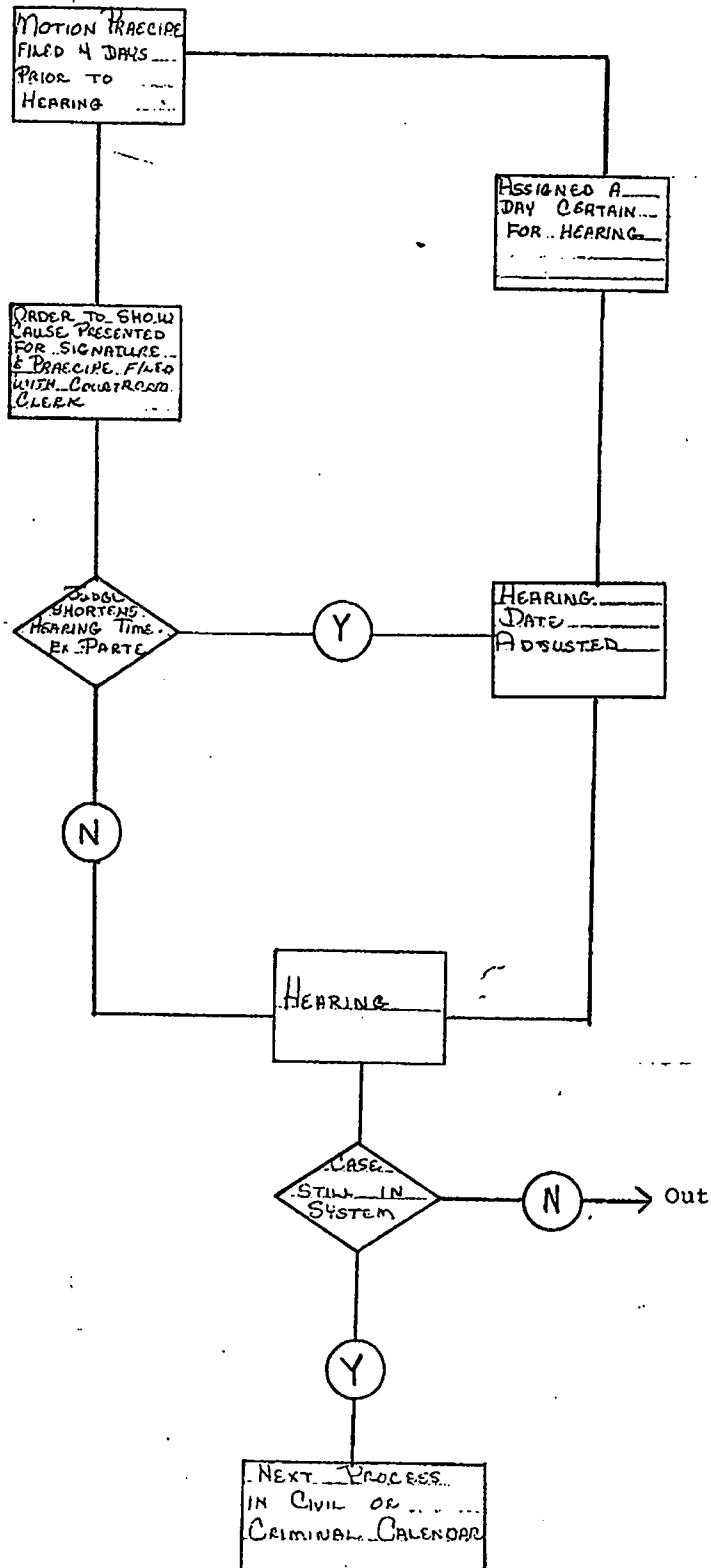


Calendaring Management
General Motion

Assignment Clerk

Judges Courtroom
Clerk

Motion Judge



This can take place at any point after filing of the praecipe and before trial.

WAYNE COUNTY CIRCUIT COURT
CRIMINAL TRIAL CALENDAR
SUMMARY OF CASE DISPOSITIONS*

September, 1970

<u>TOTAL CASES SET</u>	<u>263</u>
Trials	38
Adjournments	121
Pleas	68
Nolle Prosequere	9
Dismissed	15
Remanded to Lower Court	3
Adjourned for further Action	9

CIVIL TRIAL CALENDAR
SUMMARY OF CASE DISPOSITIONS

September, 1970

<u>TOTAL CASES SET</u>	<u>389</u>
Trials	103
"Spinoff"	12
Adjournments	187
Previously Discontinued	13
Settled	83
Dismissed	1
Military Docket	1

Mean time for all Civil Cases Sept. 1970:
2 years, 6 months, 21 days between filing of praecipe
and trial.

* Statistics compiled by researcher from Assignment Clerk's Records

COURT PREPARED STATISTICS
AS REPORTED TO
STATE COURT ADMINISTRATOR OFFICE

1969 ANNUAL REPORT - - ADJUSTED BY INVENTORY

State of Michigan

REPORT OF JUDICIAL BUSINESS TO THE COURT ADMINISTRATOR

Circuit Court for the County of WAYNE Circuit No. 3

Year 1969
For the Quarter Ending December 31, 1969

(IMPORTANT: PLEASE READ INSTRUCTIONS BEFORE COMPLETING FORM)

	Criminal	Automobile Negligence	Divorce	Other General Civil	Total
1. Cases pending at beginning of quarter Jan. 1969	977	7,440	15,806	9,732	33,955
2. Cases commenced during quarter year	1,988	4,260	13,934	8,481	28,663
3. Total cases to be disposed of ¹ (Line 1 plus 2)	2,965	11,700	29,740	18,213	62,618
4. Cases disposed of by trial with jury ²	154	255		240	649
5. Cases disposed of by trial without jury	118	46	743	310	1,217
6. Total cases disposed of by trial ³ (Line 4 plus 5)	272	301	743	550	1,866
7. Cases disposed of without trial	1,873	3,325	12,819	7,745	25,762
8. Total cases disposed of during quarter year (Line 6 plus 7)	2,145	3,626	13,562	8,295	27,628
9. Cases pending at end of quarter	820	8,074	16,178	9,918	34,990
10. Total cases disposed of and pending ⁴ (Line 8 plus 9)					
11. Total cases pending over two years ⁵	35	1,953	1,183	2,434	5,605
12. Jury cases disposed of—"with verdict"	133	199		189	521
13. Jury cases disposed of—"without verdict"	21	56		51	128
14. Total jury cases disposed of ⁶ (Line 12 plus 13)	154	255		240	649
15. Total number of days served by all juries	640½	679		734½	2,054
16. Total session days (and half days) of court					6,148

¹ Copy from Line 9 of previous quarter's report.

² Including cases coming in on change of venue.

³ Check accuracy: Totals in Line 10 must equal totals in Line 3.

⁴ Line 14 must equal Line 4.

⁵ Itemize on attached sheets the docket number and dates filed and at issue of each case DISPOSED OF BY TRIAL.

⁶ Line 11 is to be filled in only in the Fourth Quarterly Report, after Annual Inventory.

This report has been prepared by the undersigned and a copy of the same has been transmitted to

Honorable JOSEPH A. SULLIVAN, Circuit Judge.

Dated this 21st day of January, A. D. 1970

Jack Breckenridge Signature of County Clerk

REPORT OF JUDICIAL BUSINESS TO THE COURT ADMINISTRATOR

Circuit Court for the County of Wayne

Circuit No. 3

For the Quarter Ending Month

July, 1970

(IMPORTANT: PLEASE READ INSTRUCTIONS BEFORE COMPLETING FORM)

	Criminal	Automobile Negligence	Divorce	Other General Civil	Total
1. Cases pending at beginning of quarter ¹	597	7955	15723	9996	34271
2. Cases commenced during quarter ²	188	384	1356	809	2737
3. Total cases to be disposed of ³ (Line 1 plus 2)	785	8339	17079	10805	37008
4. Cases disposed of by trial with jury ⁴	16	27		26	69
5. Cases disposed of by trial without jury	5	4	42	28	79
6. Total cases disposed of by trial ⁴ (Line 4 plus 5)	21	31	42	54	148
7. Cases disposed of without trial	237	255	972	767	2231
8. Total cases disposed of during quarter (Line 6 plus 7)	258	286	1014	821	2379
9. Cases pending at end of quarter	527	8053	16065	9984	34629
10. Total cases disposed of and pending ⁵ (Line 8 plus 9)	785	8339	17079	10805	37008
11. Total cases pending over two years ⁶					
12. Jury cases disposed of—"with verdict"	14	23		23	60
13. Jury cases disposed of—"without verdict"	2	4		3	9
14. Total jury cases disposed of ⁷ (Line 12 plus 13)	16	27		26	69
15. Total number of days served by all juries	41½	92		109	242½
16. Total session days (and half days) of court					496

¹ Copy from Line 9 of previous quarter's report.

² Including cases coming in on change of venue.

³ Check accuracy: Totals in Line 10 must equal totals in Line 3.

⁴ Line 14 must equal Line 4.

⁵ Itemize on attached sheets the docket number and dates filed and at issue of each case DISPOSED OF BY TRIAL.

⁶ Line 11 is to be filled in only in the Fourth Quarterly Report, after Annual Inventory.

This report has been prepared by the undersigned and a copy of the same has been transmitted to

Honorable _____, Circuit Judge.

Dated this _____ day of _____, A. D. 19____

Signature of County Clerk

COMPARATIVE REPORT OF JUDICIAL BUSINESS FOR THE MONTHS OF JANUARY TO DECEMBER 1969

	STARTED			COMPLETED			PENDING			GAIN OR LOSS						
	1966	1967	1968	1969	1966	1967	1968	1969	1966	1967	1968	1969				
JAN.	1937	2085	2271	2195	1891	1882	2216	2319	29351	31040	31424	33831	- 46	-203	- 55	+124
FEB.	1918	2029	2289	2249	1795	1900	1882	2256	29474	31169	31831	33824	-123	-129	-407	+ 7
MAR.	2238	2272	2499	2395	2109	1988	2196	2178	29603	31453	32134	34041	-129	-284	-303	-217
APR.	1914	2098	2284	2591	2032	2025	1886	2190	29485	31526	32532	34442	+118	- 73	-398	-401
MAY	2091	2420	2579	2428	1821	2193	2252	2394	29755	31753	32853	34476	-270	-227	-321	- 34
JUNE	2168	2544	2114	2535	1908	2280	2184	2488	30015	32017	32783	34523	-260	-264	+ 70	- 47
JULY	1945	1874	2513	2569	1851	1849	1890	2284	30109	32042	33406	34808	- 94	- 25	-623	-285
AUG.	2262	2414	2507	2495	1311	1712	1621	1735	31060	32744	34292	35568	-951	-702	-886	-760
SEP.	2180	2199	2125	2502	1653	1721	1553	2005	31587	33222	34864	36065	-527	-478	-572	-497
OCT.	2013	2402	2484	2715	2714	3107	2885	3358	30886	32517	34463	35422	+701	+705	+401	+643
NOV.	2043	2226	2134	1957	1896	2225	2160	2295	31033	32518	34437	35084	-147	- 1	+ 26	+338
DEC.	1803	1832	1837	2032	1931	2131	2116	2399	30905	32219	34158	34990	+128	+299	-279	+367
TOTAL	24512	26395	27636	*28663	22912	25013	24847	*27901					-1600	-1382	-2789	*-762

*CORRECTED BY ANNUAL INVENTORY *22980*25863*25050 *27628 *30837*31369*33955 *-1532*- 532*-2586

Jack Breckenridge
 JACK BRECKENRIDGE
 Chief Deputy Circuit Court Clerk

COMPARATIVE REPORT OF JUDICIAL BUSINESS FOR THE MONTHS OF JANUARY TO DECEMBER 1970

	STARTED				COMPLETED				PENDING				GAIN OR LOSS			
	1967	1968	1969	1970	1967	1968	1969	1970	1967	1968	1969	1970	1967	1968	1969	1970
JAN.	2085	2271	2195	2261	1882	2216	2319	2475	31040	31424	33831	34,776	-203	-55	+124	+214
FEB.	2029	2289	2249	2228	1900	1882	2256	2539	31169	31831	33824	34,465	-129	-407	+7	+311
MAR.	2272	2499	2395	2374	1988	2196	2178	2329	31453	32134	34041	34,510	-284	-303	-217	-45
APR.	2098	2284	2591	2664	2025	1886	2190	2480	31526	32532	34442	34,694	-73	-398	-401	-184
MAY	2420	2579	2428	2524	2193	2252	2394	2762	31753	32853	34476	34,456	-227	-321	-34	+238
JUNE	2544	2114	2535	2614	2280	2184	2488	2799	32017	32783	34523	34,271	-264	+70	-47	+185
JULY	1874	2513	2569	2737	1849	1890	2284	2379	32042	33406	34808	34,629	-25	-623	-285	-358
AUG.	2414	2507	2495		1712	1621	1735	3274	34292	35568			-702	-886	-760	
SEP.	2199	2125	2502		1721	1553	2005	3322	34864	36065			-478	-572	-497	
OCT.	2402	2484	2715		3107	2885	3358	3251	34463	35422			+705	+401	+643	
NOV.	2226	2134	1957		2225	2160	2295	3251	34437	35084			-1	+26	+338	
DEC.	1832	1837	2032		2131	2116	2399	3221	34158	34717			+299	-279	+367	
TOTAL	26395	27636	28663		25013	24847	27901						-1382	-2789		

*CORRECTED BY ANNUAL INVENTORY

*25863*25050*27628

*31369*33955

-532-2586

Jack A. Kennedy
JACK BRECKENRIDGE

COMPARISON OF 1965 TO 1969 FILINGS AND DISPOSITIONS

	<u>Filings</u>	<u>Disposed of Without Trial</u>	<u>Jury Trials</u>	<u>Non-Jury Trials</u>	<u>Total Dispositions</u>
<u>CRIMINAL</u>					
1965	1,113	884	43	46	973
1966	1,375	958	36	75	1,069
1967	1,670	1,492	93	132	1,717
1968	1,926	1,668	177	144	1,989
1969	1,988	1,873	154	118	2,145
<u>AUTO NEGLIGENCE</u>					
1965	3,243	2,917	260	88	3,265
1966	3,157	3,160	247	61	3,468
1967	3,629	3,167	261	75	3,503
1968	3,885	2,742	214	47	3,003
1969	4,260	3,325	255	46	3,626
<u>OTHER GENERAL CIVIL</u>					
1965	7,314	7,433	215	293	7,941
1966	7,536	6,710	164	212	7,086
1967	8,237	7,970	166	242	8,378
1968	8,533	7,394	161	296	7,851
1969	8,481	7,745	240	310	8,295
<u>DIVORCE</u>					
1965	11,725	10,281		606	10,887
1966	12,444	10,863		494	11,357
1967	12,859	11,771		494	12,265
1968	13,292	11,898		309	12,207
1969	13,934	12,819		743	13,562
<u>SUMMARY BY CATEGORY</u>					
	<u>Total Filings</u>				
	<u>Criminal</u>	<u>Auto Neg.</u>	<u>Other Gen. Civil</u>	<u>Divorce</u>	<u>Total</u>
1965	1,113	3,243	7,314	11,725	23,395
1966	1,375	3,157	7,536	12,444	24,512
1967	1,670	3,629	8,237	12,859	26,395
1968	1,926	3,885	8,533	13,292	27,636
1969	1,988	4,260	8,481	13,934	28,663
<u>TOTAL DISPOSITIONS</u>					
1965	973	3,265	7,941	10,887	23,066
1966	1,069	3,468	7,086	11,357	22,980
1967	1,717	3,503	8,378	12,265	25,863
1968	1,989	3,003	7,851	12,207	25,050
1969	2,145	3,626	8,295	13,562	27,628
<u>TOTAL PENDING AS OF DECEMBER 31</u>					
1965	781	6,743	8,741	13,040	29,305
1966	1,087	6,432	9,191	14,127	30,837
1967	1,040	6,558	9,050	14,721	31,369
1968	977	7,440	9,732	15,806	33,955
1969	820	8,074	9,918	16,178	34,990
<u>TOTAL PENDING CASES 2 OR MORE YEARS OLD</u>					
1965	212	1,889	1,869	660	4,630
1966	256	1,934	2,585	1,042	5,817
1967	256	1,638	2,216	1,146	5,256
1968	224	1,832	2,657	1,564	6,277
1969	35	1,953	2,434	1,183	5,605
<u>TOTAL DISPOSED OF PER JUDGE (After Deducting Those Cases Disposed of by Visiting Judges)</u>					
1965					1,142
1966					958
1967					995
1968					982
1969					1,022

CRIMINAL INTAKE

CRIMINAL INTAKE

The criminal intake system is one in which the court takes much pride because it has developed a process which would enable a defendant to maintain his constitutional safeguards and have a trial within 60 days of his arrest. The process is structured upon interpretation of statute and court rules which develop self-stimulating time lapses between each step in the process. As seen in figure 1 of criminal intake general flow there is an arraignment on the warrant within 48 hours after an arrest. At the arraignment on the warrant in the local court the defendant is interviewed and indigency is ascertained and assignment of counsel process begun. At this same first arraignment a preliminary exam, the probable cause hearing, is scheduled for not less than 12 days (statutory requirement); the defendant cannot waive the preliminary exam at his point unless he is represented by counsel. After the preliminary exam, if he is to be bound over by the local court to the Circuit Court, he is scheduled for an arraignment on the information in Circuit Court either on the 14th or 15th day following that exam and notices are given and signed by the parties at the preliminary exam. The arraignment on the information in the Circuit Court is held without a written transcript being available although the defendant has the right to such a written transcript. At the arraignment on information notices for the criminal pre-trial are given and signed by the parties. This is again scheduled according to Circuit Court rule 14 days after the holding of the

holding of the arraignment on the information. A criminal pre-trial is held in the prosecutor's office and is a mandatory plea discussion. Notices of any special defenses and witnesses must be given by both the prosecutor and defendant at the pre-trial. If there are motions to suppress evidence this is scheduled on the same date as trial. The trial date being set by court rule has to occur 14 days after the pre-trial conference. A request for adjournment of the preliminary exam is at the discretion of the lower court judge. Requests for an adjournment in the Circuit Court are by the Presiding Judge of the Circuit Court. This construct of a criminal intake system is singularly adapted to providing the minimum lapse of time between arrest and trial without involving controls for such things as the optimum use of judicial, lawyer, or police time. Also, not wholly considered was the obtaining of written transcripts of the preliminary exam are requested by the prosecutor's office at the time of pre-trial, two weeks before the trial date, and this has proven to be insufficient notice although the district courts are by state court administrator's decree required to use sound transcribing equipment and do not have a reporter present.

The State of Michigan has developed a Center for Forensic Psychiatry whose primary function is the determination of the individual's competency to stand trial. This center serves all the courts in Michigan and is located on the grounds of the Ypsilanti State Hospital in Ann Arbor, Michigan. Details of the procedures and relationships are seen in the attached documents from the Center for Forensic Psychiatry. A request for a competency hearing

can be made at most any point throughout the criminal intake sub-system both in the local and Circuit Courts. Plea bargaining in this system occurred during the periods of observation at three points. The first was at the local court level at the same time as the preliminary exam was scheduled after the defense counsel has been retained or assigned and the prosecutor was available for the preliminary exam. The second point of plea discussion was prior to the arraignment on the information in the Circuit Court. The third point was at the criminal pre-trial or mandatory plea discussion. It was reported by prosecutors and judges that pleas were also taken on the day of trial, however, the standard rule was to not allow pleas to be taken after the pre-trial had been completed.

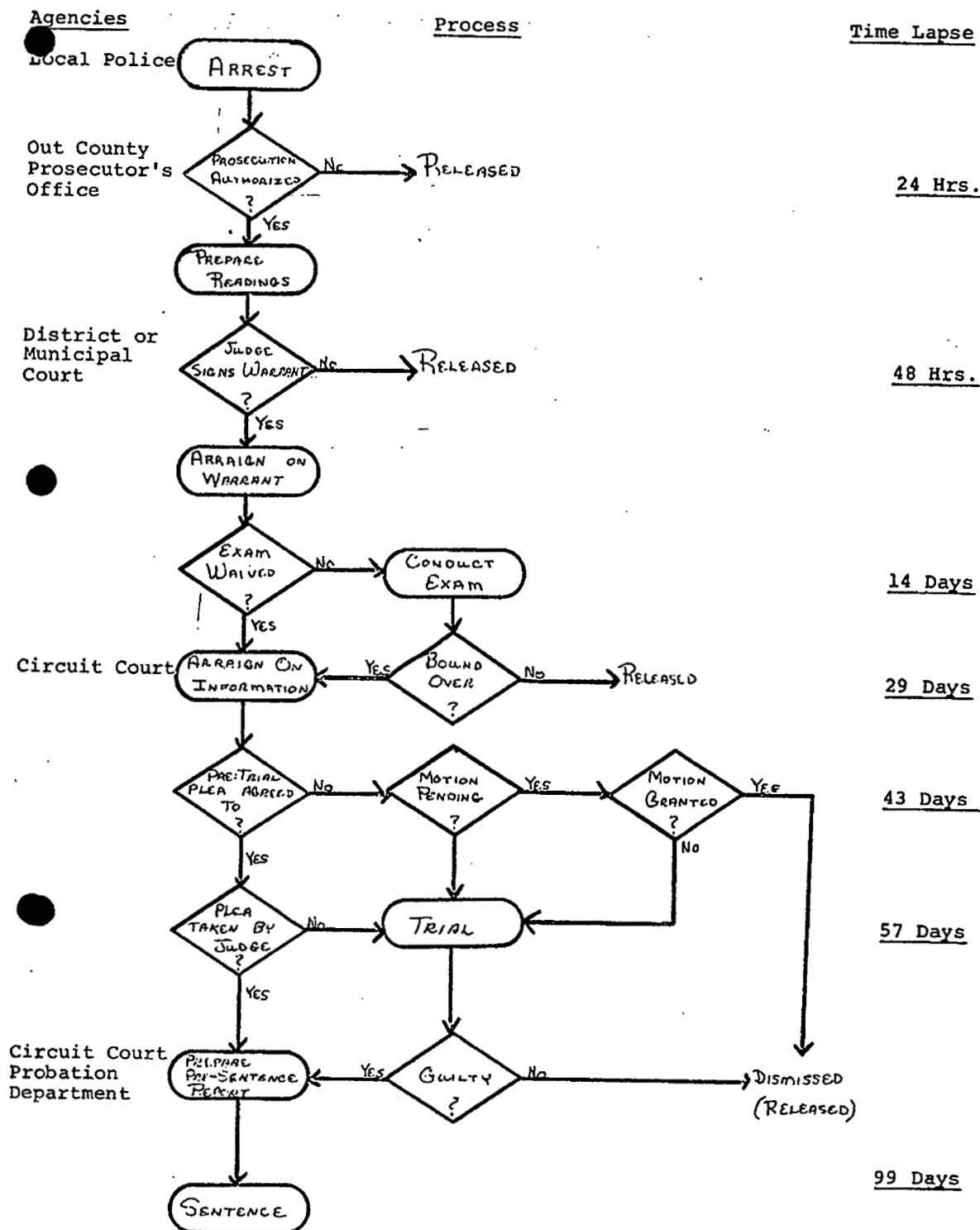
Special note should be made that the courts - both lower and the circuit - required the police officer in charge of the case to be present at each hearing in the process. The police department's opinion as to the change of plea is solicited by the judge from the bench. The prosecutor during his plea discussions required the police officer to state what plea he was willing to accept and in the formal situation of the criminal pre-trial the officer was required to sign the pre-trial document agreeing that the "ends of justice" would be met by such an agreed plea.

Reduced charges alone did not result from the plea bargain. Instead added charges for lesser offense were agreed upon and presented to the court for its approval. The original charges remained in force and could be prosecuted at a later date if the defendant had a change of mind and did not plead to the lesser offense.

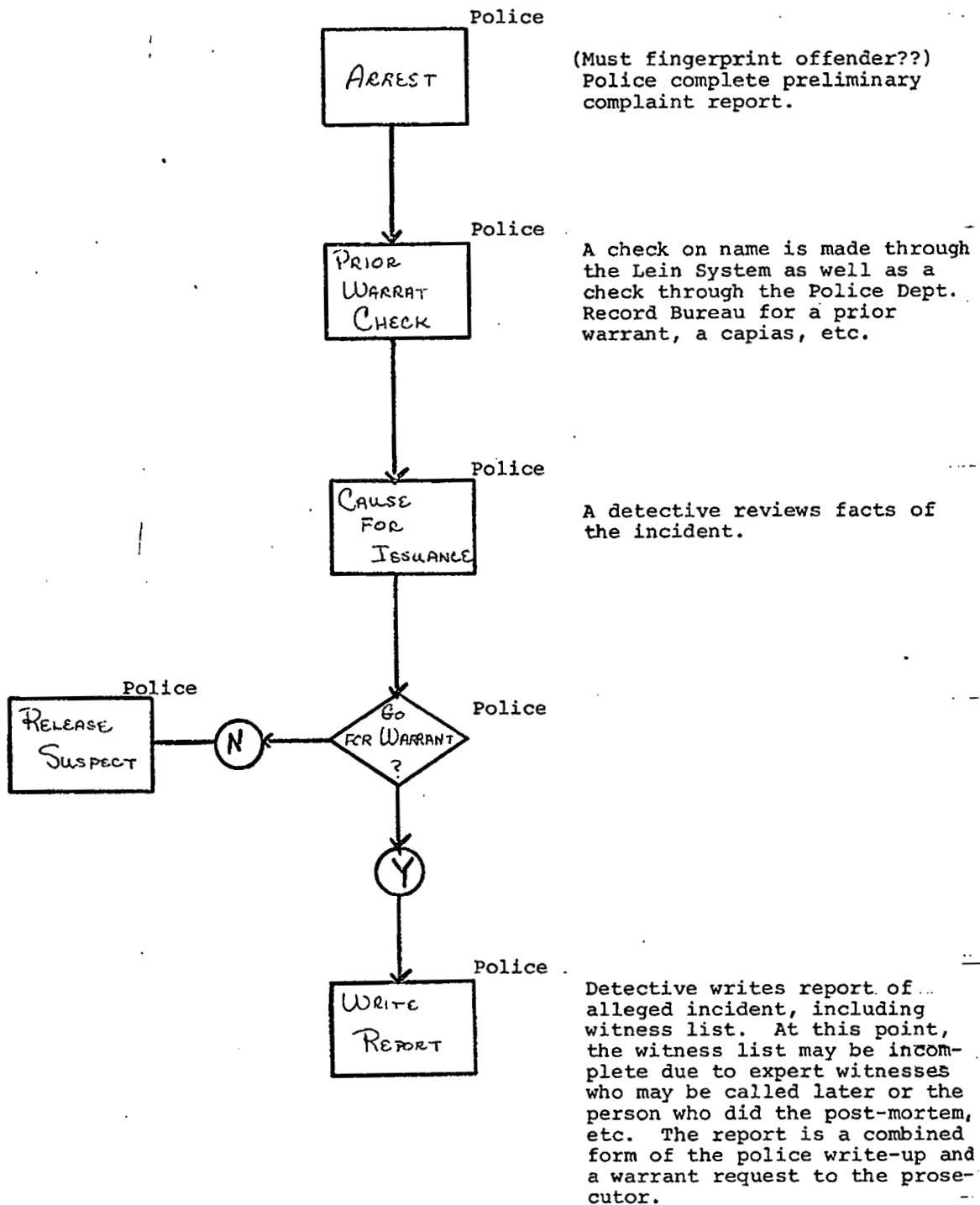
The conflict for scheduling of the lower courts or other circuit courts in the metropolitan area were not considered in the administration of the criminal intake subsystem. These conflicts resulted in some non-appearance and inability for attorneys and defendants to appear for the prescribed hearing dates.

The sub-system operates on a seven day week schedule and the lower court judges are scheduled by the Circuit Court Administrator to be present on Saturday and Sunday, approximately once a year, at the out-county prosecutor's office to issue warrants and to hold arraignment on warrants. A special Manhattan bail project, release on recognizance procedure has been developed for this weekend period, wherein law students under an LEAA Grant using Vera type scale make recommendations to the local judge as to release on recognizance. It is at the arraignment on the warrant that the bail decision is made. Throughout the normal working week the bail decision is made by the local judge alone without any investigation.

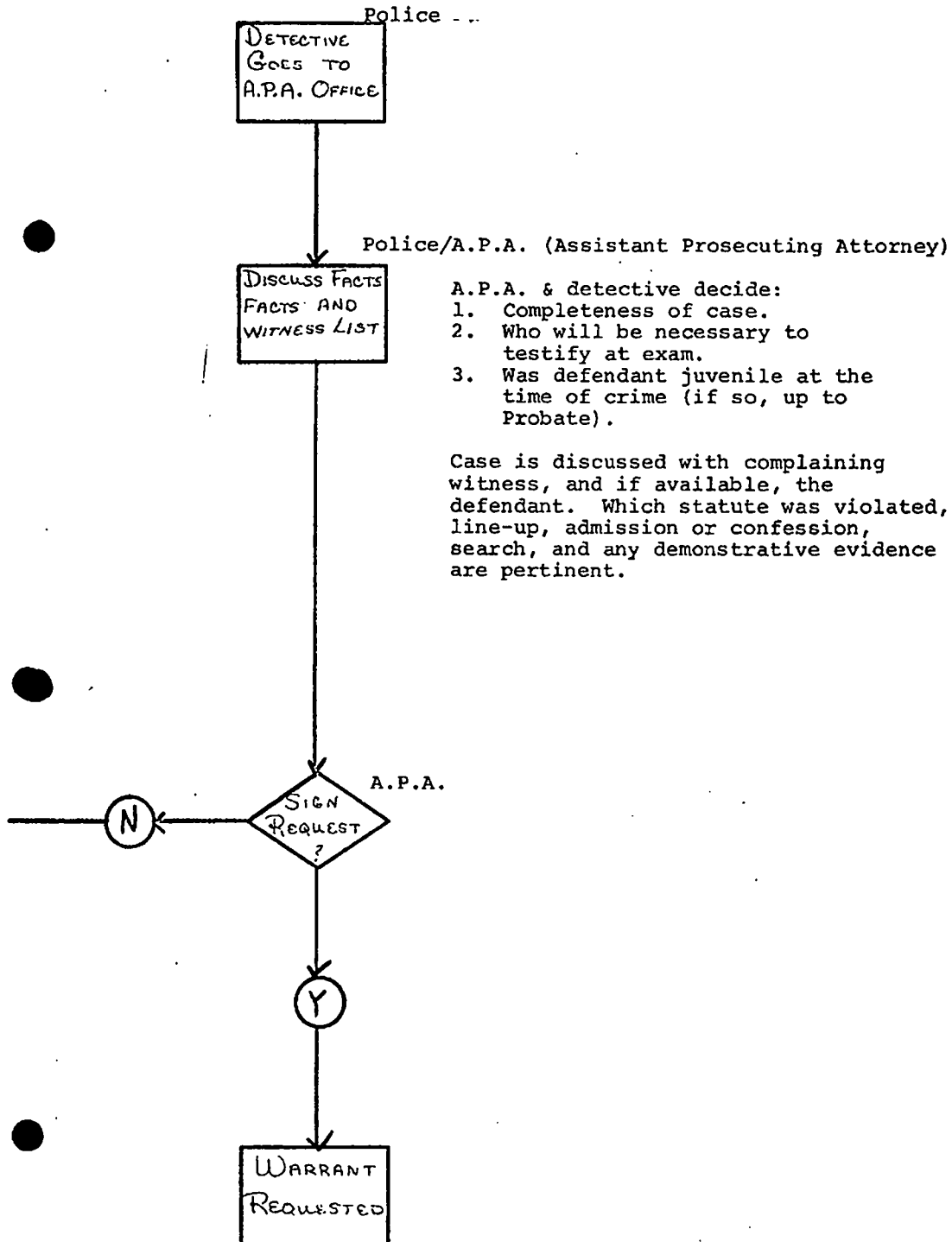
Criminal Intake-General Flow



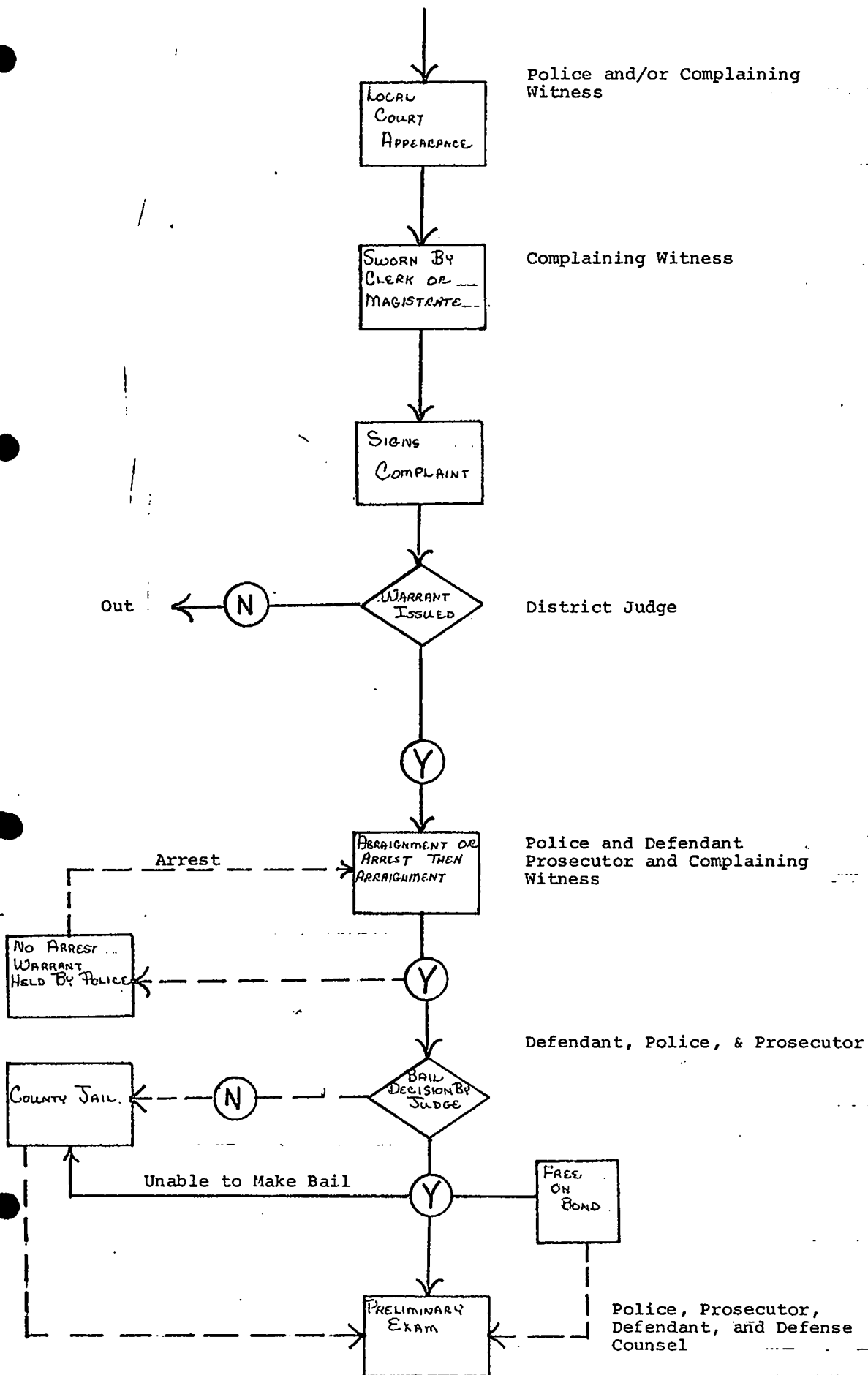
Criminal Intake - Police Procedures



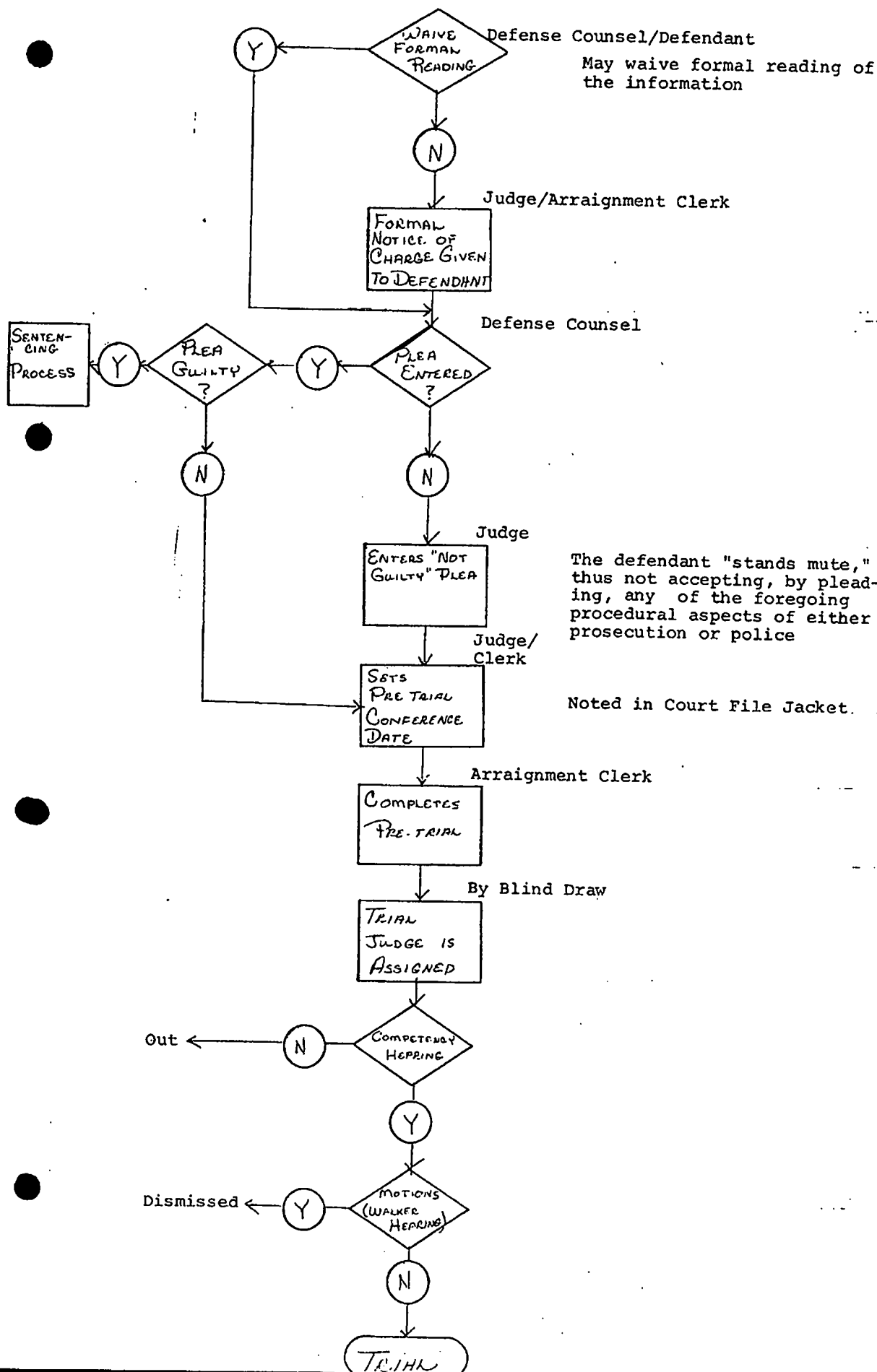
Criminal Intake - Outcounty Prosecutor's Office



Criminal Intake - District or Municipal Court Process



Criminal Intake-Circuit Court Procedures



FORENSIC CENTER REPORT

AMES ROBEY, M.D.
Director

State of Michigan

FRED JONES, JR.
Forensic Services Coordinator

DEPARTMENT OF MENTAL HEALTH

LYNN W. BLUNT, M.D.
Acting Clinical Director

PAUL ISENSTADT, A.C.S.W.
Social Services Director

CENTER FOR FORENSIC PSYCHIATRY

RONALD GRAFT
Administrative Officer

HETTON L.P. JACKSON, JR., Ph.D.
Psychology Director

The Center for Forensic Psychiatry of the State of Michigan is a recently established facility of the Department of Mental Health, created by new legislation in 1967. It is centrally located near the cultural and educational centers of the University of Michigan in Ann Arbor and Wayne State University in nearby Detroit. Physically, the Center consists of a fifty-bed newly modernized and air-conditioned unit, with extensive outpatient services.

The Center for Forensic Psychiatry was created for the purpose of diagnosis, evaluation and treatment of patients committed to the Department of Mental Health by criminal courts, for the reporting of findings and recommendations to the Department and Courts as indicated, and the conduct of research on the interrelationship of mental disability and the criminal law.

The primary function of the Center for Forensic Psychiatry is the determination of an individual's competency to stand trial, as provided for by 48 CL 767.27a(3) of the Mental Health Statutes of 1967 of the State of Michigan. Pursuant to 48 CL 767.27b of the Mental Health Statutes of 1967, the Center for Forensic Psychiatry is responsible for evaluation and recommendation for release of all persons acquitted by the Court or jury by reason of insanity, prior to their being released on convalescent status or final discharge. In accordance with Act 306 of the Public Acts of 1963, the Center is also responsible for the evaluation of adult prisoners who have been convicted of serious crimes against the person and are being considered for release.

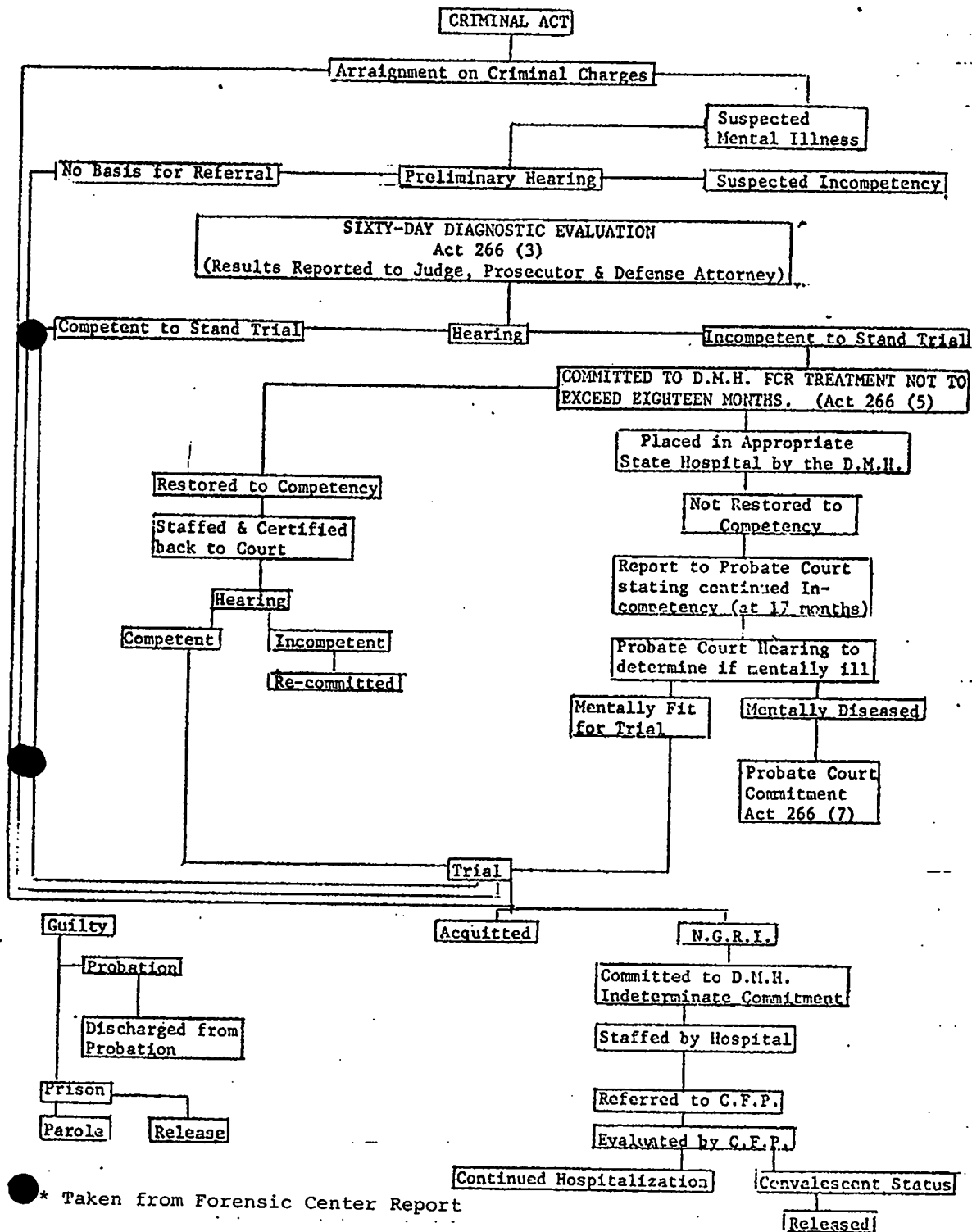
The Center for Forensic Psychiatry has the exclusive responsibility for the placement of all Forensic patients, committed to the Department of Mental Health as incompetent to stand trial as well as those acquitted by reason of insanity, in regional hospitals throughout the state.

The staff consists of a full complement of psychiatrists, psychologists, social workers, and administrative personnel. Under the direction of Ames Robey, M.D., the professional staff is given every opportunity to exercise initiative and creativity in the diagnostic and treatment processes as well as in the many potentials of research. The therapeutic approach is broad in scope and includes almost all therapeutic techniques. Opportunities for education and teaching at the nearby universities are available. An active research program into psychiatric, dynamic, social, physiological, legal and correctional aspects of the medico-legal field is in progress.

Projected plans of the Center include a new 500-bed hospital in the Ann Arbor area, which will be a twin facility with the Department of Corrections serving the entire state.

Information regarding the Center, its services and programs, or information concerning employment opportunities is available upon request.

FORENSIC FLOW CHART TABLE I



* Taken from Forensic Center Report

ASSIGNMENT
OF
COUNSEL

ASSIGNED COUNSEL

Generally the assignment of counsel is based upon the assignment of an attorney by a Circuit Court Judge. As described in the criminal intake subsystem the assignment occurs at the arraignment on the warrant. The request from the local court commences with the preliminary exam and is for the entire case until disposition. Financial support for the assignment of counsel is a Circuit Court budgeted item. The assignment of counsel is for both the local, District Court, and Circuit Court procedures.

There is an antipathy to the use of a public defender system, and from this antipathy has grown a "Private Defender's Office." The "Private Defender's Office" is an organized law firm sponsored by the Detroit Bar Association. The Bar Association appoints the Defender's Office board of directors. The "Private Defender's Office" is a non-profit corporation which hires 15 attorneys who are then appointed by the Court as private counsel in individual cases. The attorneys then upon agreement with the corporation return all county appropriations over to the "Private Defender's Office" in exchange for a monthly salary. The organization of the Private Defender's Office is given below.

The information workflow of the assignment of counsel process is present graphically below. Most of the assigned counsel are requested from the lower courts, however, if the defendant requests counsel while in the Circuit Court a deputy jury clerk interviews the defendant, generally in the county jail, and

presents the affidavit of indigency to the Circuit Court for its decision and possible assignment of counsel.

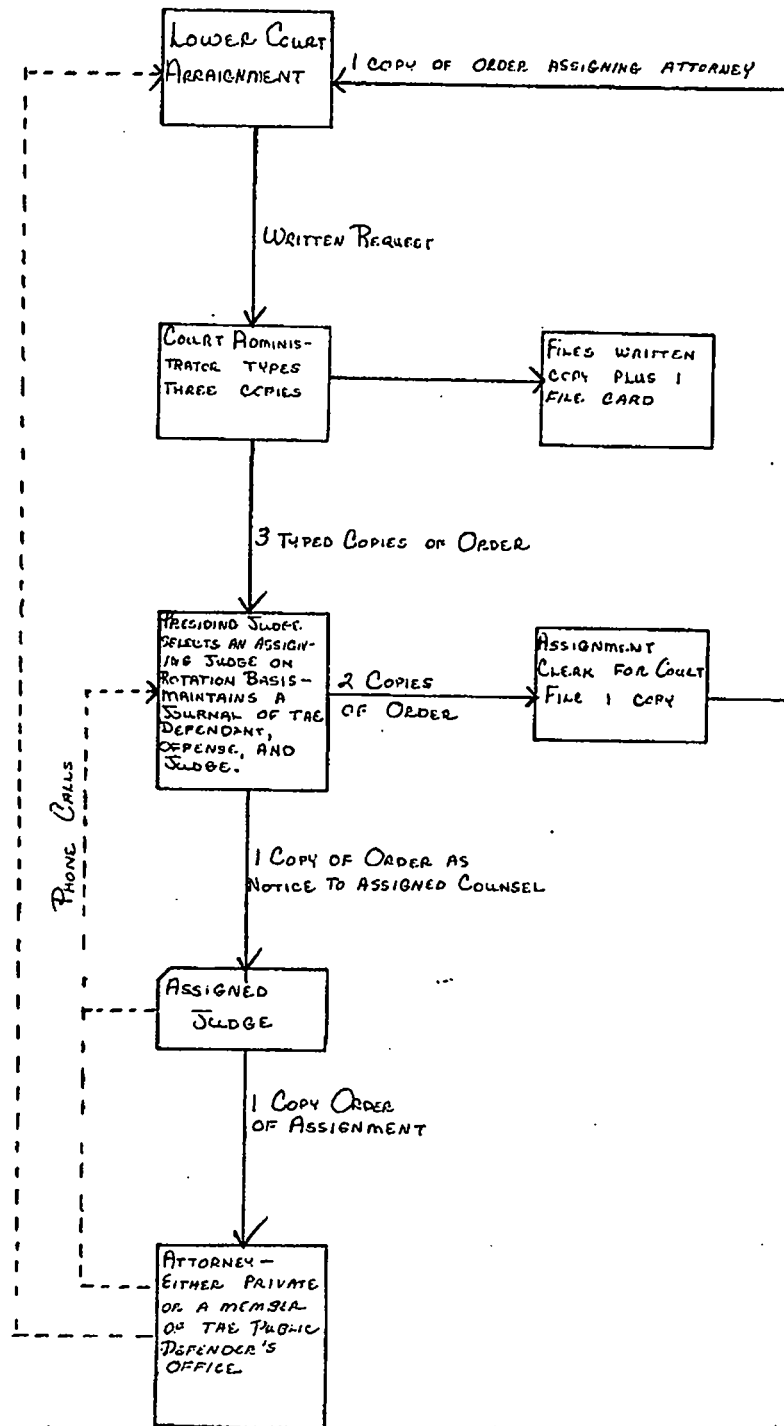
There are no statistics kept as to the concentration of cases criminal or civil in any group of lawyers or law officers.

The Detroit Bar Association is generally the white Bar and there are many ethnic bar associations; however, membership is not mutually exclusive. There may be one exception with the Wolverine Bar Association which is the black Bar.

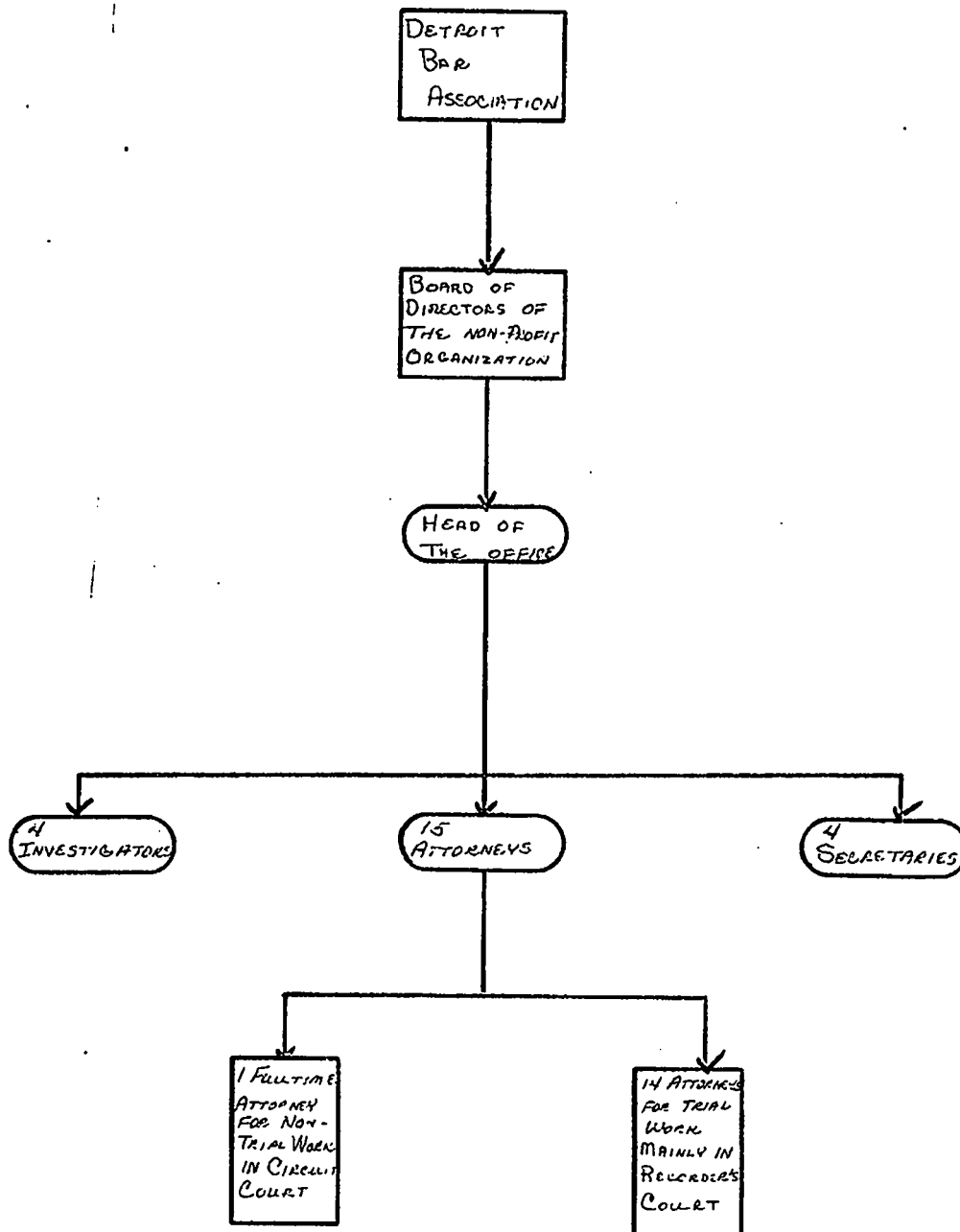
The major problem in providing counsel comes from the urban nature of the Court's service area. There are at least three Circuit Courts served by the local Bar, plus the Recorder's Court. Conflicts between scheduling attorneys in each of these courts presents a major problem, because there has been little communication between the courts on an administrative level. The major problems of providing attorneys for defendants as seen in other metropolitan courts are not in full force in the Wayne County Circuit Court, because of the presence of the Recorder's Court.

There are plans for a State Appellate Public Defender's System according to the State Court Administrator.

Assignment of Counsel - Information
and Paperwork Flow



Organization of the Private Defender's Office



SENTENCING

SENTENCING SUBSYSTEM

Sentencing authority resides in the court. Probation is possible in all crimes except murder, treason and robbery while armed. These three crimes are punishable by mandatory life sentences, the state of Michigan does not have capital punishment. The court's discretion is generally limited by statute as to the maximum possible sentence and the general practice is for the court to provide for minimum and maximums within the legal restraints. For sentencing in a felony matter the court must have a pre-sentencing report and may have one at its discretion on a lesser charge. Pre-sentence reports shall "inquire into the antecedents, character and circumstances of such person or persons and report thereon." All the case history of the probationers are declared to be privileged and confidential communication and are not open to the public or defense counsel. Maximum period of probation for a felony conviction is five years; while, the maximum for a lesser charge is for two years. The court may provide part of the probationary period to be spent in an institution, this period not to exceed one year if the defendant is less than 22 years of age and if the offense would carry possible incarceration in a state institution. This is regularly used as a "scare" where 30 days are applied at the beginning of probation or as a "threat" where 30 days are applied at the end of the probationary period with a possibility of a stay of the sentence for good conduct. As part of the probationary period fines for costs are imposed by the court according to a formalized schedule

Assessed probation officers to the county, this has applied to Wayne County only after recent court action by the bench. This implementation is in the process of being discussed as to the numbers of probation officers which the state will provide and support. Special note should be made that the circuit court probation office provides probationary services to the district courts and, therefore, has misdemeanor probationers, but such misdemeanor probationers are not included in the State's evaluation of the total caseload. The process for getting pre-sentence reports for the local district courts is generally a written exchange of the order for pre-sentence and the written pre-sentence report returned to the District Court.

Court costs are payable in weekly amounts to the probation office. There is little use of the suspended sentence and fine. Other than state institutions there seem little alternatives to the court. A specialized Michigan Training Unit for youth offender, 17-22 years, has been developed by the State Department of Corrections and can be recommended by the courts, but such recommendations are not mandatory.

Sentencing process entails the police officer, the defendant and the defendant's counsel to physically and immediately present themselves to the probation office after a plea or a guilty verdict. If the defendant is in custody the police officer presents the order for the pre-sentence report and the probation officer then interviews the defendant in the county jail. The cases are assigned to a probation officer by geographical areas, the two out county offices and the main office, on a rotation basis. A new innovation has been to eliminate the segregation of

probationers by male female categories and now female probationers are assigned to male probation officers and vice versa. The process has been in effect for only the past 60 days. The initial reaction by the probation department is favorable.

The initial interview with the probationer and any other parties to be interviewed is completed by a field probation officer after which the pre-sentence report is completed and presented to his supervisor. The supervisor then reviews the entire file and pre-sentence report and writes what is called "the face sheet". This is usually a two page document wherein the summary of the reports and incidents are presented and a written recommendation is made by the supervisor. In those cases done by the out-county probation officers and supervisors reports are forwarded to the main office where one of the supervisors from that office is assigned to a single Judge and it's this supervisor who presents the report in court to the Judge. Information present in the pre-sentence report is outlined in the attached summary outline; its main inferences are on the previous criminal record and a statement of the police department. A written report as to the police remarks and comment on the disposition is required. Personal history data and personal habits generally are obtained from the probationer or his family. Where a probationer is employed it is the department's policy not to interview the employer. There is no contact with the victims. When the client is in school the school authorities are contacted. The probation officer is responsible for the appearance of the defendant if he is in custody.

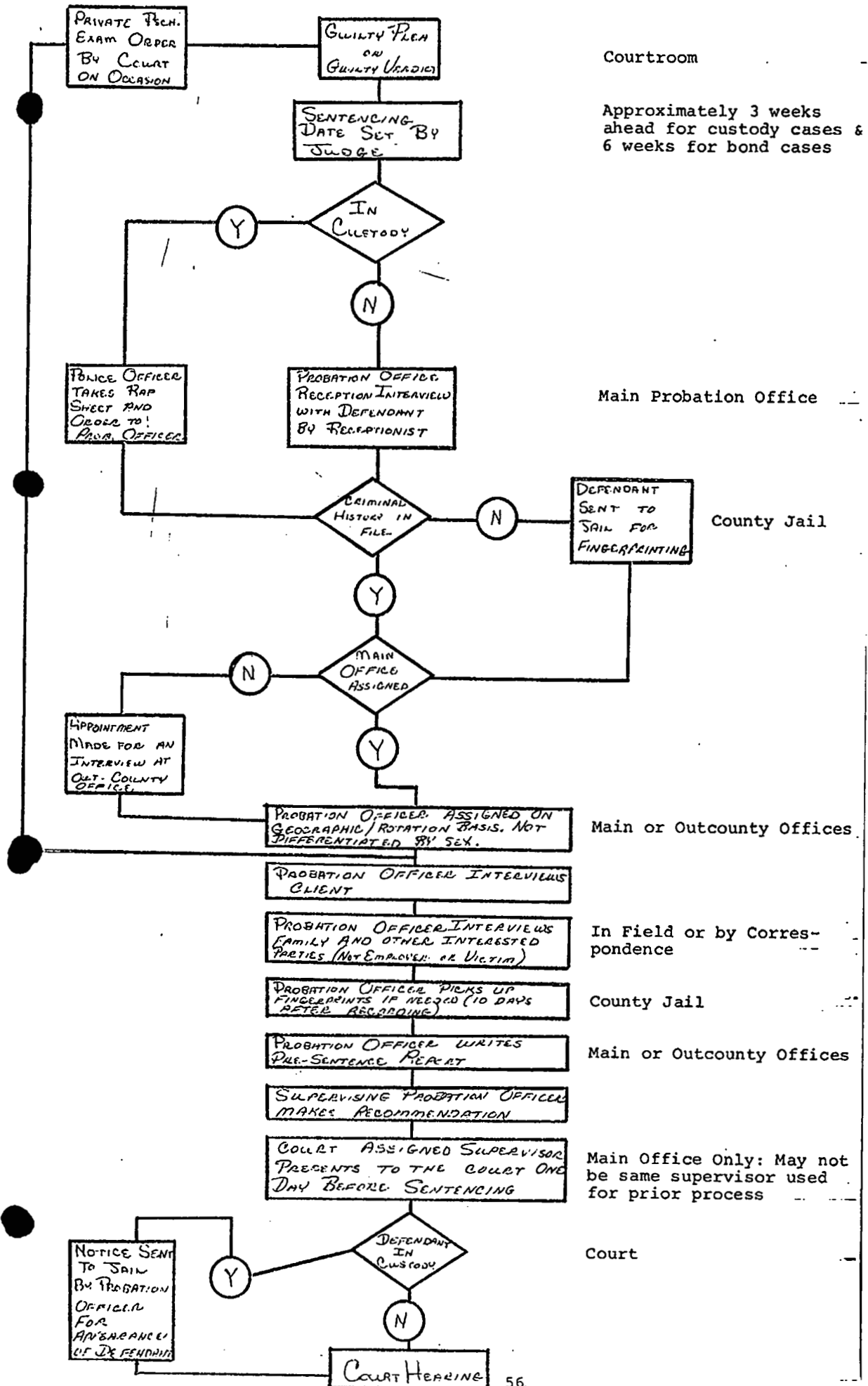
During the plea bargaining stage the prosecutor will bargain

to have the defendant, if he is between the ages of 17-22, petition for status under the Holmes Youthful Training Act wherein a two year maximum sentence is prescribed. Upon successful completion of the probationary period the offense is expunged from his record. These petitions are forwarded to the probation office for a pre-sentence report and when recommendations for a rejection are made the plea bargaining process has to be reinstituted.

The only statistical data presented during the observation of the subsystem was that required by the Department of Corrections copies of which are presented to the Presiding Judge and the chairman of the probation committee. It has little value as an administrative control or in management planning. There has not been an annual report since 1967 because of the pressures of the workload on the probation department. Providing a performance criteria for use in evaluating the probation department is a problem in the Presiding Judge's mind. The only criteria used is a weighted caseload, one unit per each field service case and five units for each pre-sentence report with a recommended caseload of 75. It is on this basis that the State can supplement probation officers to the county, this has applied to Wayne County only after recent court action by the bench, and this implementation is in the process of being discussed as to the numbers of probation officers which the state will provide and support. Special note should be made that the circuit court probation office provides probationary services to the district courts and, therefore, has misdemeanor probationers,

but such misdemeanor probationers are not included in the State's evaluation of the total caseload. The process for getting pre-sentence reports for the local district courts is generally a written exchange of the order for pre-sentence and the written pre-sentence report returned to the district court.

SENTENCING PROCESS



PRE SENTENCE REPORT
AS PREPARED BY
THE WAYNE COUNTY CIRCUIT COURT
PROBATION OFFICE

SAMPLE

58

PRE SENTENCE REPORT OUTLINE

S. LEE GRAVLIN

To: ~~Gerald H. Mizer~~
Chief Probation Officer

Docket No. (Circuit cases only)

Referred: (see referral slip)
Assigned: (date received)
Returned: (date typed)

In re: _____ (aliases if any; correct name or spelling)

Charge: _____ (get from information sheet in Court file)

Pleaded guilty to (see REFERRAL SLIP), (IF ADDED OR INCLUDED COUNT
SO STATE), before Hon. (JUDGE) on (DATE). -- Plea accepted.
(OR -- taken under advisement)

Released on (AMOUNT/KIND) bond on (DATE). -- Bond continued.
(If released on or after the date of referral, "Bond continued"
is not added) (OR-- In custody since (DATE)).

Juvenile Court Record:

Before the Court, (DATE), (OFFENSE) -- (DATE), (DISPOSITION).

Previous Police Record:

(DATE), (CITY), (STATE), (OFFENSE), -- (DATE), (DISPOSITION).

Follow each arrest through to the final disposition. Do not
list any arrests prior to the first conviction. These arrests,
prior to a conviction, may be mentioned in the Personal History

Police Record: List any arrests on the same date as the instant
offense, such as a misdemeanor charge that was handled in the
Municipal Court.

Subsequent Police Record: List any arrests that happened after the
date of the instant offense.

Military Arrest Record: Any official arrests while in the service.

Civil Arrest Record: Any sentences for civil action such as non-supp

Traffic Violations Record: (In traffic offenses or if a motor vehicle
is involved)

Moving Violations; (DATE), (CITY), (STATE), (OFFENSE), --
(DATE), (DISPOSITION).

Non-Moving Violations; (Same as above)

Accidents; (DATE), (CITY), (STATE), (number of Vehicles, (NO.) In

STATEMENT OF OFFICERS; Detective _____ of the _____ Police Department
furnishes the following: (Include the date,
time and method by which the complaint was received; name and address
of the complainant; details of offense; subsequent investigation;
arrest of SUBJECT (NOT REFERRED TO AS DEFENDANT UNTIL AFTER ARRAIGNMENT
including name and address. Also, information re: co-defendants and
their disposition. (LAST PARAGRAPH): "John Doe was taken before Hon.
_____ and was bound over to Circuit Court."

OUTLINE CONT.

STATEMENT OF WITNESS: (Fatal, Injury or motor vehicle case)

STATEMENT OF PARENT: (In morals case)

STATEMENT OF CHILD: (In morals case)

STATEMENT OF PHYSICIAN: (Morals or injury case; AUTOPSY if fatal)

STATEMENT OF COMPLAINANT: (Assault, accident or robbery)

STATEMENT OF DEFENDANT: John Doe states; (Date and details)

PERSONAL HISTORY: This def. was born on (DATE) in (CITY AND STATE). He is the _____ oldest of _____ children, _____ boys and _____ girls, born to the parent's union. The father, (NAME), (AGE) is a _____ by occupation and has been employed at the _____ company for the past _____ years. The mother, (NAME), (AGE), is a full-time housewife. (?) (Add any pertinent facts about the family, such as any criminal record, etc.) (Paragraph on the family, or def's., migration and location in Michigan and Wayne County)

The def. attended school from his _____ year to his _____, completing the _____ grade at the _____ school in (CITY AND STATE). He left school because _____? and states _____. (Any pertinent information obtained from the school authorities would be inserted here) When the def. was interviewed relative to this offense he was _____? (Any discrepancies between the def's. statement and that of witnesses or police may be mentioned here)

During the course of this investigation, we interviewed the def's. (wife, mother, other relative, etc.). (This may take several or only a few sentences, depending on how important you feel it is to an understanding of the case being written.)

(Paragraph on interview with the police, their opinions or impressions of the def., whether co-operative or belligerent, whether other unsolved crimes were cleaned up, etc.) (HOLDS PLACED, details.)

(Paragraph on interview with family of the deceased, injured persons, child in sex offenses, etc; finances; insurance settlement; other pertinent facts, opinions.)

SOCIAL STATUS: (Married: who, when, where; children; divorced, details; family support. Living conditions, rent, own etc. Physical description of the home, environment and the def's share or manner of support to the home. Receptiveness of the family help in supervision and whether the home situation is adequate to control the def. in the probation situation.)

CITIZENSHIP: (If foreign born)

OUTLINE CONT.

MILITARY RECORD: (Enlisted or inducted in branch, date where;
overseas service, time; how discharged, date where
VERIFIED, if not, why.)

DRAFT STATUS: (When and where registered; classification; Selective
Service number. VERIFIED, if not, why.)

PERSONAL HABITS: Def. admits the use of intoxicants, occasionally
excess, but denies that he gambles, frequents pool
rooms or uses habit-forming drugs. For recreation he _____?
His associates can be considered _____? He states his general
health is _____ but _____? He is _____ by faith and attends
church on a _____ basis. He has _____ savings and debts of _____.

WORK RECORD: Social Security number _____. The various employ-
ments as given by the def. are as follows:
(MONTH, YEAR -- MONTH, YEAR, COMPANY, JOB, PAY)

RESTITUTION:

TO: Company or individual
Address
City, State
FOR: Damages, theft, etc. \$100.00
Def. and co-def. involved;
def's share $\frac{1}{2}$ or \$50.00

REMARKS: The police and complainant(?) are agreeable to whatever
disposition the Court deems best (or not favorable to
leniency, etc.) (Mention if HOLD is placed upon def. by this or
any other Court, parole officer, police department, etc.) (X (Also
opinions of a limited nature may be expressed here.)

Respectfully submitted,

GERALD W. NORD
PROBATION OFFICER

GWN:gn

JURY MANAGEMENT

JURY SUBSYSTEM

The jury subsystem is characterized by many recent innovations. In 1966 legislation completely revamped the state's jury plan creating jury commissions in each circuit. A new Grand Jury System was instituted in March, 1970. The use of six man jurors in a civil case was authorized by the legislature in July, 1970.

The grand jury is selected from the same voter's list as the petit jury, 23 names are drawn 13 to 17 must be sworn in and 9 jurors must vote for indictment for a true bill to be issued. The court appoints a foreman and the prosecutor attends the grand jury during its deliberations. The grand jury is only called upon majority vote of the Circuit Court in Wayne County. Warrants can be issued by a Judge of the county or the Supreme Court Justice. The grand jury itself appoints a clerk and the Presiding Judge of the Circuit Court appoints the reporters. The grand jurors are paid the same jury fees as the petit jury, \$15 a day plus 10¢ mileage, and all juror fees and witness's fees are paid through the Circuit Court budget.

A detailed description of the system's operation have been compiled by the executive secretary to the Jury Commission and by the jury clerk in the County Clerk's Office. The executive secretary's duties extend only to the point that the juries are assigned to a specific court since the jury commission serves all courts in the county with the exception of a recorder's court. The jury clerk then manages the jury during its service.

"WAYNE COUNTY JURY COMMISSION"

Prepared by
Mary N. Morley

The Wayne County Jury Commission is governed by Act 326 of the Public Acts of 1963, M.S.A., Chapter 13. The Commission consists of seven qualified electors of the County, appointed for six-year terms by the governor on recommendation of the Circuit Court judges of Wayne County, only four of whom are members of the same political party, an Executive Secretary, a stenographer and a typist.

The Commissioners are paid \$25.00 for each meeting that they attend. The number of meetings is not to exceed 200 per year.

There are 33 cities and 10 townships within the boundaries of Wayne County. Registered voters' lists are furnished yearly to the Commission by all city and township clerks.

As provided in M.S.A., §27A.1310, Sec. 1310:

(1) The township or city clerk shall annually between April 15th and May 1st deliver to and file with the county clerk a full, current and accurate copy of the voter registration cards containing the names and addresses of the registered voters. In lieu of a copy of the registration card a full, current and accurate list of those registered together with the current addresses shown on the card may be filed.

(2) The board shall secure from the county clerk, and the county clerk shall provide, copies of the current voter registration cards or the current voter re-

gistration cards or the current voter registration lists for each precinct in the county. The board shall treat the cards and lists as one list, with voters grouped either by precinct or by city, township or village as may be provided.

(3) The board, in lieu of receiving a list from the county clerk of current registered voters, may, if electronic or mechanical devices are used by the township, city or village clerks, order such clerks to provide only the names and addresses selected by applying the key number and starting number designated by the board.

A key number calculated as set forth in M.S.A. § 27A.1311, is applied to the registration rolls by the Commissioners. Their names are then entered on "MASTER SHEETS" which show disposition of every person called. Each person selected in this manner receives a "REQUEST TO APPEAR". At the time of appearance in the Commission office, the prospective juror is given a "QUESTIONNAIRE".

After completing the QUESTIONNAIRE, the person is referred to a jury Commissioner for oral examination to determine qualifications and suitability for jury duty and sworn to the truth of statements contained in the QUESTIONNAIRE.

If, in the opinion of the examining Commissioner, the person has all of the necessary qualifications, he is approved for service. Requests to be excused be-

cause of a hardship must be presented to the presiding Circuit Court judge who is the only one vested with authority to excuse persons from jury service. Names of accepted persons are kept on file until ordered for service by the presiding judge.

If a person fails to respond to the REQUEST TO APPEAR, he is then sent a second notice to appear. Failure to respond to this second notice places him in contempt of court, and he is liable to a jail sentence or fine, or both.

Upon receipt of a Court Order a jurat of 300 names of electors previously accepted for service by the Commissioners is deposited in the jury box for drawing. It is necessary that all districts in the City of Detroit, cities and townships within the County of Wayne be represented therein for the Circuit Court and Court of Common Pleas. District Court drawings contain only the names of registered voters who reside within said district.

Drawings for jurors are ordered periodically by the presiding Circuit Court, Common Pleas Court and presiding District Court judges. These drawings must be attended by a quorum of the Commission, the presiding judge, the county clerk or his deputy, sheriff or his deputy, and the Executive Secretary of the Commission. All drawings are open to the public.

As per M.S.A. § 27A.1332, the Sheriff shall summon jurors for court attendance at such time and in such manner as directed by the presiding judge, or

by the judge to whom the action is which jurors are being called for service is assigned. For a juror's first required court appearance, service shall be by a written notice addressed to him at his place of residence as shown by the records of the board, which notice may be by ordinary mail or by personal service. The service notice may be in any manner directed by the judge. The officer giving notice to jurors shall keep a record thereof and shall make a return if directed by the court. Such return shall be presumptive evidence of the fact of service.

The persons qualified to act as jurors are summoned to appear for service approximately one week prior to commencement of active duty, at which time they are given the opportunity to present reasons for deferment or dismissal. They are then indoctrinated by means of a film and are addressed by one of the Circuit Court judges.

After the first of the month, when jurors have been settled, the jury clerk submits to the jury Commission a complete report on disposition of the prospective jurors called for that month. This information is transferred to 3x6 cards and maintained in the files of the Executive Secretary's office for a period of at least three years. ALL QUESTIONNAIRES are micro-filmed and stored. The Supreme Court counts the makeup of the questionnaire. Parties of interest can purchase copies of the questionnaires.

The pay of jurors is \$15.00 per day, plus 10 cents per mile for transportation to and from the courthouse.

QUALIFICATIONS

Act 326 - Public Acts of 1968

SEC. 1306. (1) To qualify, jurors shall:

(a) Be electors in the county for which they are selected, and in the case of district courts in districts of the second and third class, be residents of the district.

(b) Be conversant with the English language.

(c) Be in possession of their natural faculties, not infirm or decrepit and otherwise free from all legal exceptions.

(d) Not have claimed exemption if so entitled.

(e) Not have served, pursuant to the provisions of this chapter, as a petit or grand juror, in a court of record or district court during the preceding one year.

(2) A juror need not be a taxpayer and it is not necessary that his name appear on an assessment role.

(3) For the purposes of this chapter a person shall have served as a juror if he has been sworn by the judge for a petit or grand jury in a court of record or district court.

PROHIBITED AND EXEMPT

Act 326 - Public Acts of 1968

SEC. 1307. (1) The following persons are prohibited from jury service, and the jury board shall strike their names from the qualified juror's list:

(a) State elected and appointed officers but not employees.

(b) County officers and employees.

(c) Persons employed by any police agency of the State of Michigan or any political subdivision thereof.

(d) Attorneys and counselors at law.

(e) Persons convicted of any felony whose record has not been expunged by any court of record and persons against whom a felony charge is pending.

(f) Persons who have made to the jury board directly or indirectly any request to be selected and returned as a juror.

(2) The following persons may claim exemption and shall be excused on request from service as jurors: All persons more than 70 years of age and any allopathic or osteopathic physician licensed to practice in this State.

JURY CLERK'S DUTIES

Prepared by
Bob Zimmerman

JURY CLERK'S DUTIES

1. Monthly

A. Drawing

- (1) About 10th of month
- (2) Draw as many as required to net our quota
(we now draw 325 to get 175)
- (3) Attendance
 - a. Presiding Judge or Alternate
 - b. Quorum of Commissioners (at least four)
 - c. Jury Clerk
 - d. Typist
 - e. Representative for Sheriff
 1. Recieves a copy of names drawn plus list of deferments. Summons prospective jurors from this list by regular mail.
- (4) Equipment
 - a. Jury Box - (containing names of jurors)
 1. This is locked, bound, and sealed when not in use and is stored in the vault of the County Clerk's Office
 - b. Order for Drawing (signed by Presiding Judge)
 1. Made in duplicate. Receives a misc. # from County Clerk's Office and original is filed with County Clerk after drawing. A true copy is given to Jury Commission.

c. Order to the Sheriff (one copy)

1. Signed by the Jury Clerk and given to the Sheriff.

d. Jurat (List of 300 Jurors)

1. This is made up on duplicate and receives a misc. # from the county Clerk who also receives and files the original. The Duplicate if true copied and filed with the Jury Commission. The names from this list (Jurat) are deposited when the names in the Jury Box from the previous Jurat are exhausted.

(5) Minutes (This is a list of all individuals to be summoned)

1. Deferments - These are typed alphabetically on the minutes.
2. Drawn Names - Listed as they are drawn until the required number have been pulled.
3. Copy given to Sheriff for Summoning
4. Copy to Jury Commission
5. Original and Copy retained by Jury Clerk

(6) Alphabetical List

1. This is made up by the Jury Clerk by inter-filing the deferred names with the slips drawn.

2. Copy to Sheriff to prepare proof of service.
3. Two copies to Jury Commission - one for records & one for criminal clerk.
4. Original to Jury Clerk

B. Orientation:

- (1) Place - 13th Floor Auditorium
- (2) Duration - Approx. 2 hours (usually held on about 24th of month.)
- (3) Speakers -
 - a. Jury Clerk - outlines the procedures to be followed, reporting times, etc.
 - b. Judge - legal obligations and aspects of serving
- (4) Questionnaires - The Jurors are afforded an opportunity to correct questionnaires if necessary since the time they filled them out
- (5) Equipment -
 - a. Jurors Handbook
 - b. Information Sheet (covering parking facilities, restaurants, and general information)
 - c. Mileage Slip - (to be turned in during the first week of service to determine mileage pay [currently .10 per mile both coming and going]).

2. Daily

- A. Roll Call - 9:15 in Jury Assembly Room
 - (1) All those not assigned to case must be present.
- B. Capsules - The capsules containing the names of the Jurors must be inventoried each night to determine those who will be present at roll call the following day.
- C. Sick or Excused - The capsules for these individuals are wrapped to indicate they are not present and why. The wrapped capsules remain in the box. (Attachment)

3. Weekly

- A. Employment Letters - These are supplied upon request to Jurors for their employers. They are usually supplied on a weekly basis on the last working day of that week. We do, however, comply to the employers desires and will supply the letters bi-monthly or monthly. (Attachment)

4. Periodically

- A. Deferments - Will defer Jurors with valid reasons to more suitable time for serving.
 - (1) Will handle and make recommendations as to request for excuse for presiding Judge.
- B. Excuse - will make recommendations and research request for excuse for presiding Judge.
- C. Notification - Those granted excuse or deferment are notified by regularly mailed letter. (Attachments)

Notification is also made to those who are denied usually both verbally and by regular mail. (Attachment)

D. . Preparing New Boxes -

- (1) Immediately after the orientation, the questionnaires of those who attended are randomly broken down into boxes. A typed list is submitted to the printer as soon as possible in order to have printed lists available by the first day the panel must serve. (Attachment) A list is given to each Juror and the Courtrooms are also supplied. These lists are also used to inventory the capsules for roll call.
- (2) Each box is color coded - Green pills (Box 1) etc. The slip with the Jurors name is also color coded to correspond with the pills (capsules).

E. Payrolls - Twice Monthly

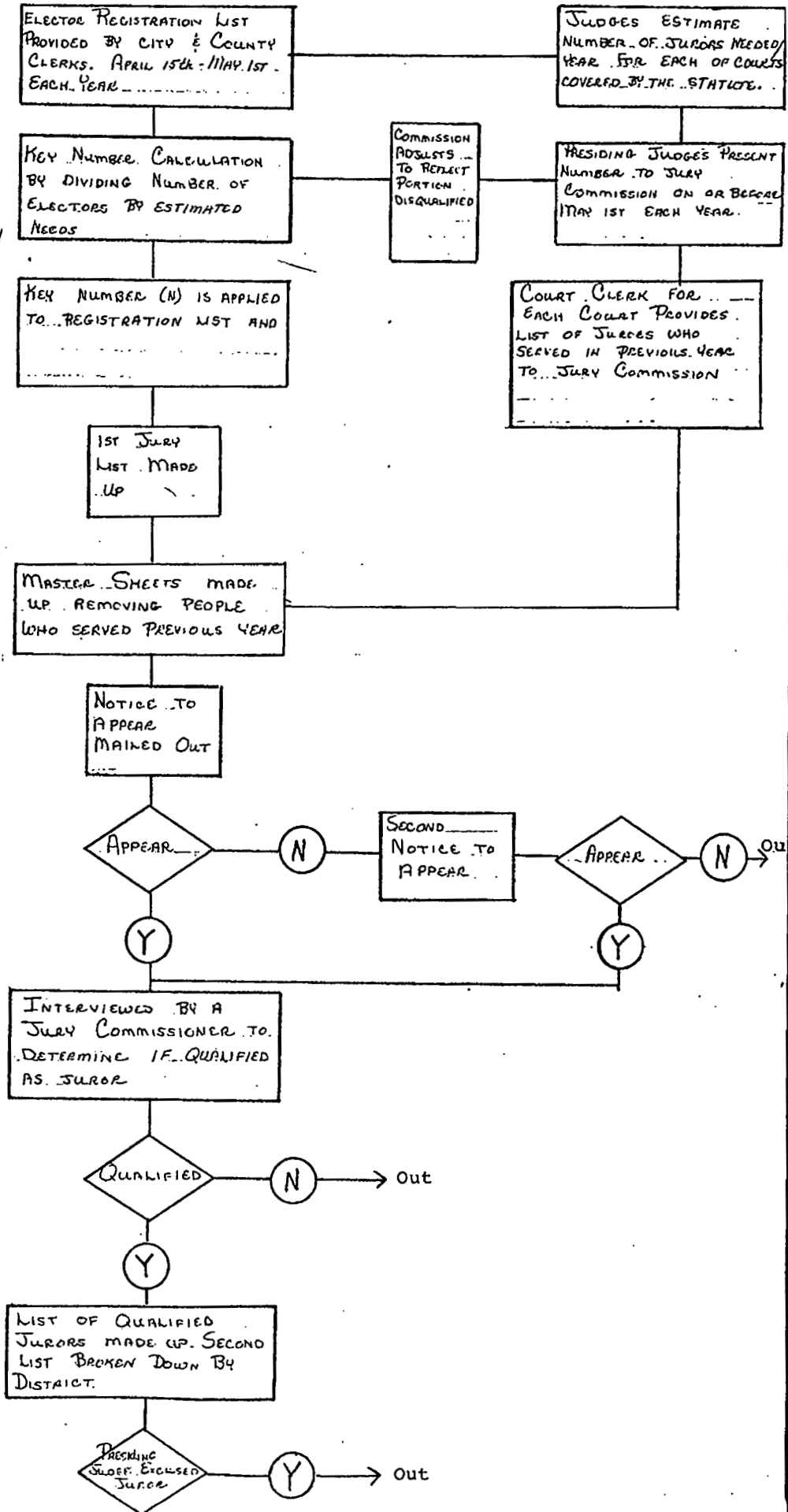
- (1) First check covers the 1st thru 15th of the month. It includes both Jury pay and mileage and is handed the Juror as soon as it's available.
- (2) Final check covers 16th thru 31st including mileage for that period. This check is mailed out.

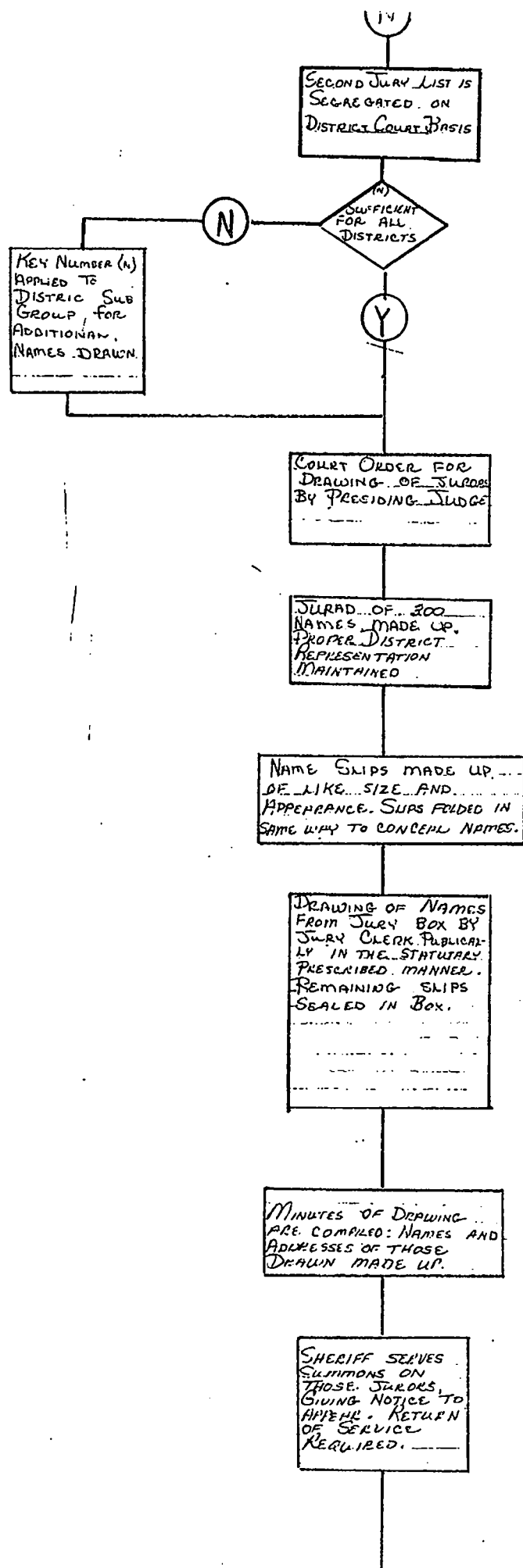
F. Attendance Records

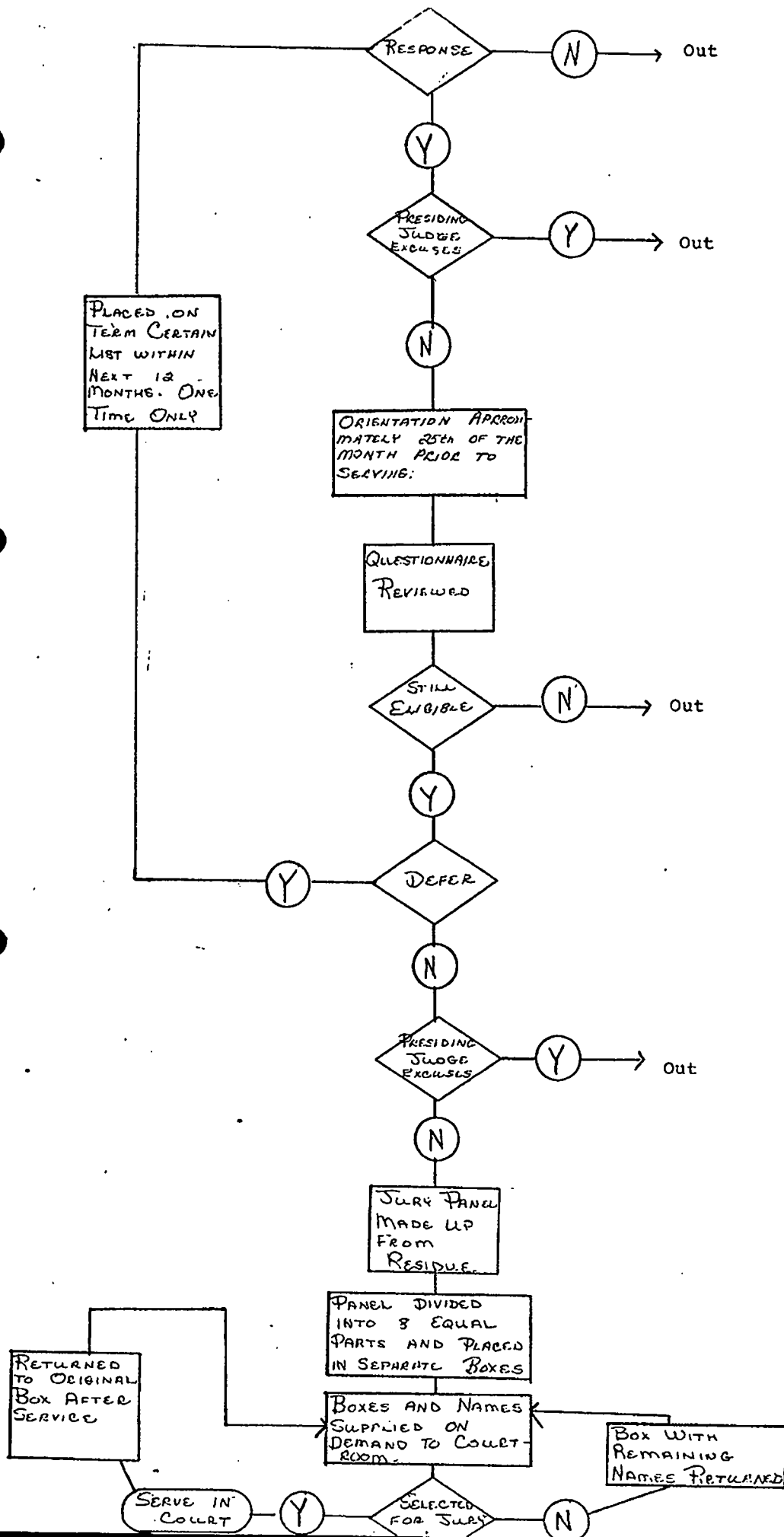
- (1) Maintained daily from roll call records. Also used as pay record.

- G. Questionnaires - are stored by boxes together and remain available for review by anyone.
- H. Records - All Jury records are kept for at least 3 years and longer if requested by the presiding Judge.
- I. Misc. - The jobs main concern is keeping the Jurors informed and happy. Anything that comes up during their term that you can help them with becomes your job. Each Juror upon completion of service is awarded a formal certificate of acknowledge of his performance of jury duty.

Jury Management Process







CIRCUIT COURT
JURY PAYROLLS*
1970

<u>CHECK ISSUED</u>	<u>PAY</u>	<u>MILEAGE</u>	<u>TOTAL**</u>
JANUARY 9, 1970	\$17,055.00	\$8,234.60	\$25,289.60
JANUARY 23, 1970	29,077.50	200.60	29,278.10
FEBRUARY 6, 1970	25,632.50	8,655.00	35,287.50
FEBRUARY 20, 1970	32,167.50	486.20	32,653.70
MARCH 6, 1970	27,015.00	9,081.40	36,096.40
MARCH 20, 1970	37,087.50	620.20	37,707.70
APRIL 3, 1970	38,415.00	11,857.00	50,272.00
APRIL 24, 1970	36,115.00	379.00	36,494.00
MAY 8, 1970	32,725.00	10,425.80	42,700.80
MAY 22, 1970	38,404.00	725.20	39,129.80
JUNE 5, 1970	33,378.00	10,986.20	44,364.80
JUNE 19, 1970	42,257.30	6,906.40	49,163.70
JULY 20, 1970	42,768.00	6,554.40	49,342.40
JULY 24, 1970	31,568.00	5,187.40	36,755.40
AUGUST 7, 1970	29,693.50	4,685.40	34,378.90
AUGUST 14, 1970	300.00	63.60	423.60
AUGUST 21, 1970	18,222.50	2,960.40	21,182.90
SEPTEMBER 4, 1970	14,198.00	2,224.60	16,422.60
SEPTEMBER 18, 1970	22,407.50	3,409.80	25,817.10
OCTOBER 9, 1970	27,193.00	4,720.20	32,213.20
OCTOBER 23, 1970	23,007.50	4,541.20	30,330.70

* Jury Clerk's Office Report

** Subsistence Payed through the Sheriff's Office

JURY COMMISSION
STATISTICAL REPORT

WAYNE COUNTY JURY COMMISSION

RESUME FOR 1969*

CALLED FOR EXAMINATIONS - 1969 22,639

Accepted	5,995
Rejected	1,514
Letters Returned	951
No Response	5,190
Excused and Exempt	<u>8,989</u>
Total	22,639

SECOND NOTICES EXAMINATIONS - 1969 1,603

Accepted	253
Rejected	32
Letters Returned	104
No Response	801
Excused & Exempt	<u>413</u>
Total	1,603

GRAND TOTAL CALLED - 24,242

JURORS DRAWN FOR 1969 SERVED

Circuit Court	4270	2433
Common Pleas Court	555	331
Judicial District Court	1704	224
Circuit Court Commissioners	402	86
Juvenile Court	176	72
PROBATE Court	<u>108</u>	<u>60</u>
Total	7215	3206

* Prepared by Jury Commission

DEPARTMENT PERFORMANCE STATISTICS

	<u>1968-1969</u>
Maximum Number of Annual Meetings Allowed by Statute	200
Maximum Compensation Allowed Per Meeting	\$25
Number of Meetings Held	200
Number of Persons called for Examination	24,242
CIRCUIT COURT JURORS:	
DRAWN	4,270
SERVED	2,433
CIRCUIT COURT COMMISSIONERS JURORS:	
DRAWN	Taken From
SERVED	C.C. Panel
JUDICIAL DISTRICT COURT	
DRAWN	1,704
SERVED	224
COMMON PLEAS JURORS:	
DRAWN	555
SERVED	331
JUVENILE COURT JURORS:	
DRAWN	Taken From
SERVED	C.C. Panel
PROBATE COURT JURORS:	
DRAWN	Taken From
SERVED	C.C. Panel
TOTAL JURORS DRAWN FOR THE YEAR	7,215
TOTAL JURORS SERVED FOR THE YEAR	3,206

WAYNE COUNTY JURY COMMISSION

JANUARY, 1969
THRU
DECEMBER, 1969

JUDICIAL DISTRICT COURTS

<u>DISTRICT</u>	<u>AREA</u>	<u>JURORS DRAWN</u>
16th	LIVONIA	160
17th	REDFORD TOWNSHIP	80
18th	WESTLAND	385
20th	DEARBORN HEIGHTS	280
21st	GARDEN CITY	153
29th	WAYNE	50
33rd	BROWNSTOWN TOWNSHIP	
	FLAT ROCK	
	GIBRALTAR	
	GROSSE ISLE	
	ROCKWOOD	
	TRENTON	
	WOODHAVEN	
	TOTAL	274
34th	BELLEVILLE	
	HURON TOWNSHIP	
	ROMULUS	
	SUMPTER TOWNSHIP	
	VAN BUREN TOWNSHIP	
	TOTAL	192
35th	CANTON TOWNSHIP	
	NORTHVILLE	
	NORTHVILLE TOWNSHIP	
	PLYMOUTH	
	PLYMOUTH TOWNSHIP	
	TOTAL	130

GRAND TOTAL - - - - 1704

WAYNE COUNTY JURY COMMISSION

1969

January, 1969
Thru
December, 1969

JURORS FOR CIRCUIT COURT

	<u>DRAWN</u>	<u>SERVED</u>
JANUARY	300	179
FEBRUARY	350	198
MARCH	400	255
APRIL	350	234
MAY	325	206
JUNE	325	183
JULY	350	185
AUGUST	275	132
SEPTEMBER	370	183
OCTOBER	350	203
NOVEMBER	475	247
DECEMBER	<u>400</u>	<u>228</u>
GRAND TOTAL	4270	2433

WAYNE COUNTY JURY COMMISSION

-1969-

January, 1969
Thru
December, 1969

JURORS FOR COMMON PLEAS COURT

	<u>DRAWN</u>	<u>SERVED</u>
JANUARY	50	33
FEBRUARY	70	43
MARCH	75	40
APRIL	50	35
MAY	50	31
JUNE	50	32
JULY	00	00
AUGUST	00	00
SEPTEMBER	60	31
OCTOBER	50	33
NOVEMBER	50	24
DECEMBER	<u>50</u>	<u>29</u>
GRAND TOTAL	555	331

WAYNE COUNTY JURY COMMISSION

EXAMINATIONS

1969

JANUARY 1969
THRU
DECEMBER, 1969

	CALLED	ACCEPTED	REJECTED	LETTERS RETURNED	NO RESPONSE	EXCUSED & EXEMPT
JANUARY	10	795				
	17	600	48	65	211	277
	24	809	114	67	20	226
	31	706	28	67	195	305
		213	8	109	139	237
FEBRUARY	28	806	29	101	209	241
APRIL	11	818				
	18	804	23	12	149	424
	25	844	15	25	150	372
			60	14	242	338
MAY	2	618	20	14	112	301
	9	794	6	18	133	416
	16	800	86	27	248	254
	23	803	14	19	121	395
JUNE	6	800	40	18	170	371
	13	834	15	16	147	446
	20	996	35	21	254	445
	27	952	98	--	270	309

WAYNE COUNTY JURY COMMISSION
EXAMINATIONS

1969

EXAMINATIONS:

Page II

		CALLED	ACCEPTED	REJECTED	LETTERS RETURNED	NO RESPONSE	EXCUSED & EXEMPT
JULY	11	1015	226	49	32	283	425
	18	1128	238	42	32	377	439
	25	1195	275	37	35	347	501
AUGUST	1	1121	271	72	46	326	406
	8	1019	271	35	32	216	465
	22	1156	280	33	46	227	570
NOVEMBER	7	998	363	83	52	126	374
	14	565	143	108	16	153	145
DECEMBER	5	831	248	226	35	179	143
	12	832	260	190	32	186	164

WAYNE COUNTY JURY COMMISSION

EXAMINATIONS

1969

JANUARY, 1969
THRU
DECEMBER, 1969

SECOND NOTICES

	CALLED	ACCEPTED	REJECTED	LETTERS RETURNED	NO RESPONSE	EXCUSED & EXEMPT
OCTOBER 24	778	118	12	92	322	234
OCTOBER 31	825	135	20	12	479	179

RECORDS MANAGEMENT

RECORDS MANAGEMENT

The records management subsystem is fragmented with each of the agencies of the court maintaining its own method of producing, retaining and retrieval of records. There is no systematic view of the input and output of the information in the records. One major exception would be the Prosecutor's Office, who under a recent court study by the Michigan Commission on Criminal Justice and Law Enforcement did an information systems study and presented an information plan for the prosecutor's office because of its heavy loads in the Recorder's Court.

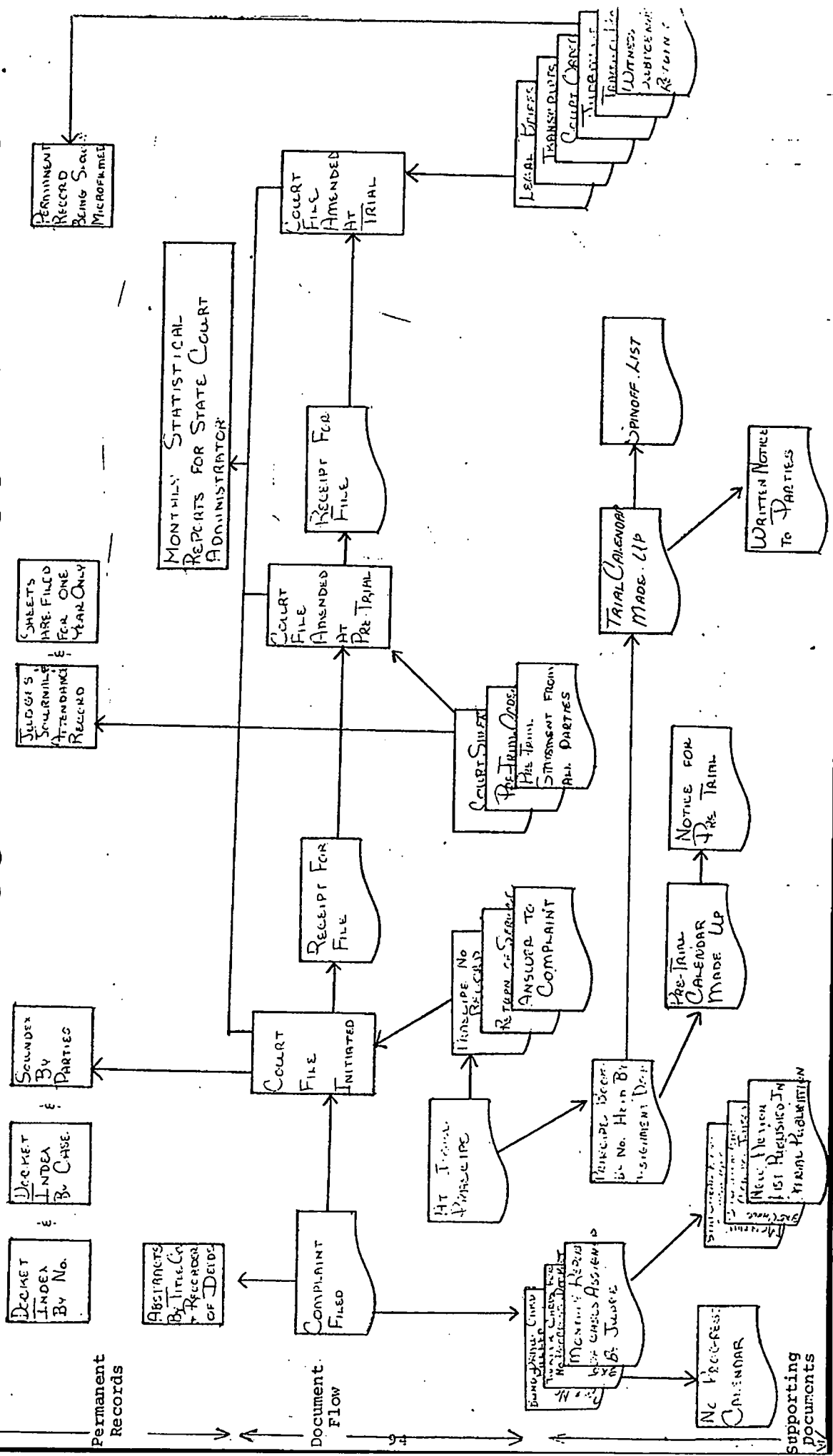
The system does not seem to be controlled by statutory requirements but is restrained by historical and traditional methods of court record keeping. Forms are created upon demand by individuals or groups within the agencies without consultation as to the availability of that same information in other parts of the court or its retention and storage. There is no formal manual for forms maintained by the court's agencies. There is no overall authority in control of the records system. There is no centralized digest, describing of records flow, indexing, standard abbreviations, or formats for any forms. The system works on a demand basis without coordination.

Records may be kept permanently by the County Clerk's Office while records that duplicate much of these official court files are kept for 50 years in the Friend of the Court's Office. These two files are kept under different numbers without cross indexing or coordinated means for retrieval.

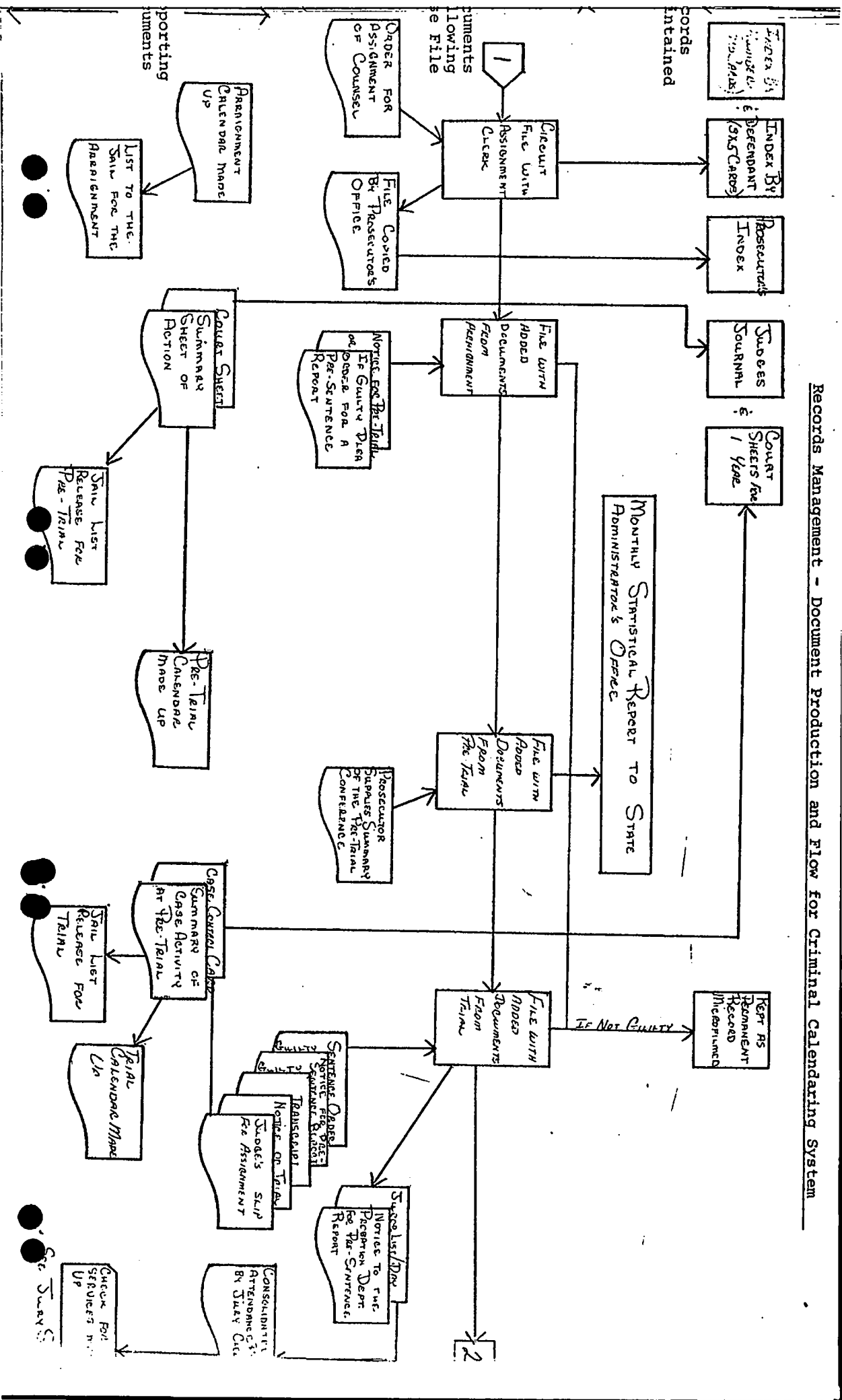
Microfilming is done from the oldest case first and has progressed to the year 1940 for the official court records as kept by the County Clerk's Office. The judgments of the court, however, are microfilmed immediately and placed in a separate index to maintain the integrity of the court's orders.

The best overall comment is that the records management of the court is not a system but a series of intermeshing overlapping agency records built around the flow of a court file.

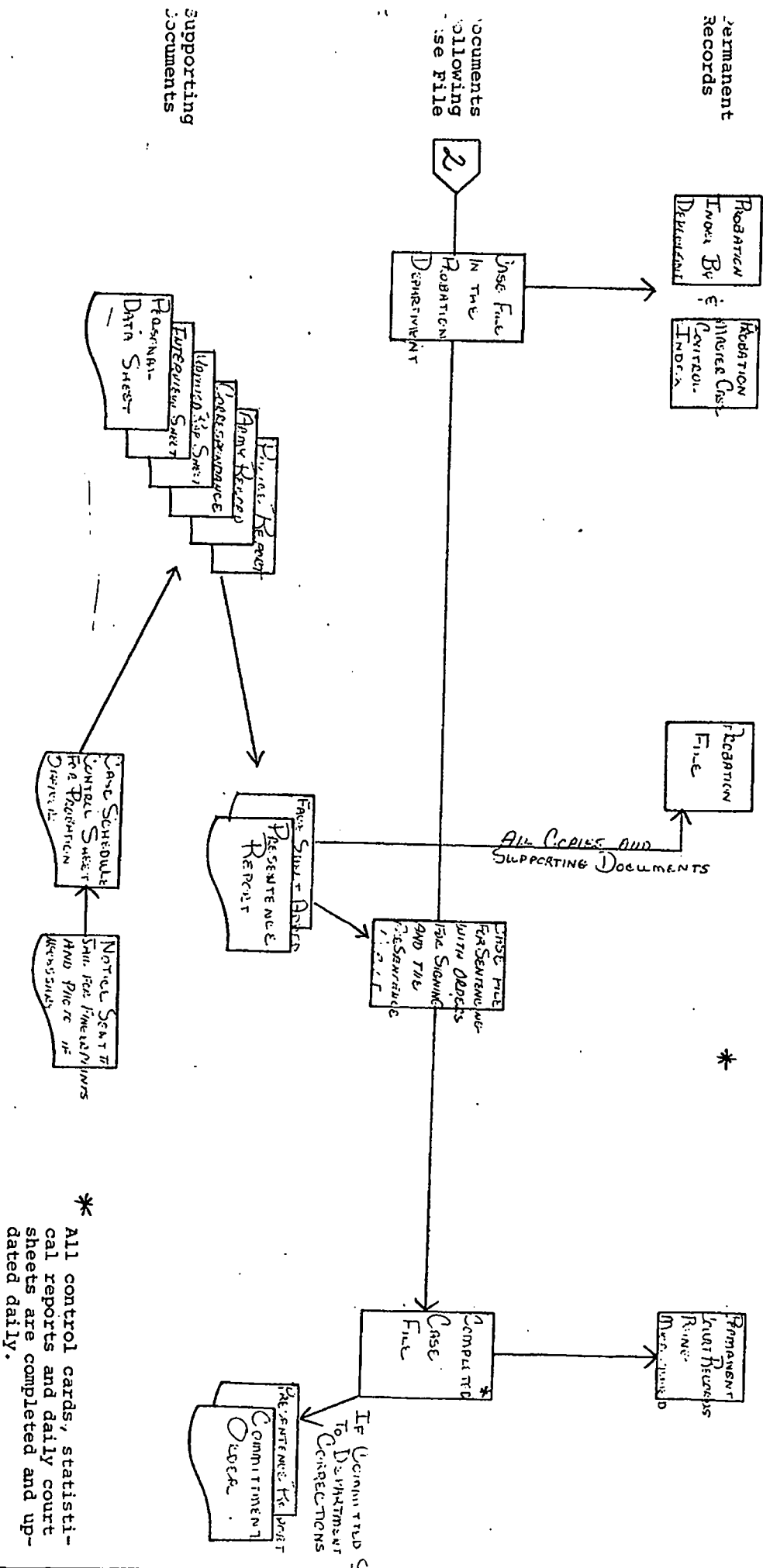
Records Management - Document Procedures & Flow - Civil Cases



Records Management - Document Production and Flow for Criminal Calendaring System



* All control cards, statistical reports and daily court sheets are completed and updated daily.



APPENDIX

Michigan Constitution in effect January 1, 1964. Article Six, deals with Judiciary Branch of Government.

Friend of the Court

- Act 412, Public Acts (1919) (as amended) - The authority of the office of 'Friend of the Court'.
- Act 244, Public Acts (1947) (as amended) - Authority to determine amounts to be reimbursed to Social Agencies.
- Act 133, Public Acts (1947) (as amended) - Authority to charge collection costs and to collect and disburse funds.
- Act 306, Public Acts (1939) (as amended) - Authority for references to conduct pre-trial hearings.
- Act 8, Public Acts (1952) Authority to exercise authority under the Uniform Reciprocal Support Act.
- Act 205, Public Acts (1956) Authority to investigate paternity cases.
- Act 178, Public Acts (1966) Authority to automatically review adequacy of support for minor children every two years.
- Act 138, Public Acts (1966) Authority to initiate complaints for support of wife and children.

Marriage Counselor

- Act 155, Public Acts (1964) Establishment of Marriage Counsellorary Services.

Probation

- MCLA 771.1 - 771.24 (1948) Establishes that the Probation Department is an extension of Circuit Court.

MCLA 791.26 (1968) Authority of Court to Supervise Probation Officers.

/ MCLA 762.11 Holmes Youthful Trainee Act.

Landlord-Tenant Division

Order of General Superintending Control issued by Michigan Supreme Court effective on Jan. 1st, 1969 All cases pending before the Circuit Court Commissioners were transferred to Common Pleas Court.

Act 154, Public Acts (1968) Duties and Powers of Circuit Court Commissioners delegated to four Circuit Court referees appointed by Circuit Court. (See next reference)

Section 27, Article 6, of Michigan Constitution, It is unconstitutional for Judiciary Branch to appoint Public Officials.

Juries

Act 9, Public Acts (1970) New Jury Act.

Act 118, Public Acts (1970) Six man jury for civil cases.

District Courts

Act 154, Public Acts (1968) Establishment of District Courts and abolishment of JP's.

SELECTED

BIBLIOGRAPHY

- (1) "A Comprehensive Law Enforcement and Criminal Justice plan for Wayne County, Michigan, 1969-1970". Prepared by Parkins, Rogers and Associates, Inc. of Detroit. December 1st, 1969.
- (2) "Metropolitan Detroit Court Study for Criminal Justice Information System". By T. J. Trimbach, CJIS Steering Committee, 1970.
- (3) "Financial Report of Wayne County Circuit for 1970. Prepared by Circuit Court personnel and submitted to State Supreme Court Administrator (W. Hart).
- (4) "To the Point" Series of articles circulated by W. J. Cahalan, the Wayne County Prosecutor.
- (5) "State and Local Government in Michigan, " F. E. Lewis, Ann Arbor Press, 1964.
- (6) "Wayne County Circuit Court Rules," November, 1970.

THIRD JUDICIAL CIRCUIT COURT OF MICHIGAN

INDEX TO COURT RULES

RULE 1	EFFECTIVE DATE
RULE 2	AMENDMENTS AND ADDITIONS TO RULE
RULE 3	ORGANIZATION OF THE COURT
RULE 4	PRESIDING JUDGE
RULE 5	ALTERNATE JUDGES
RULE 6	PROCEDURE OF THE COURT
RULE 7	JURY
RULE 8	CALENDARS
RULE 9	PRAECIPES-FORMS AND PROCEDURE (MOTION AND "AT ISSUE PRAECIPES")
RULE 10	DOMESTIC RELATIONS ACTIONS
RULE 11	THE NINE MONTH RULE
RULE 12	PRE-TRIAL RULE
RULE 13	TRIAL CALENDAR
RULE 14	CRIMINAL CALENDAR
RULE 15	PATERNITY CALENDAR
RULE 16	UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT CALENDAR
RULE 17	NO PROGRESS CALENDAR
RULE 18	GARNISHMENTS
RULE 19	RECEIVERSHIPS
RULE 20	APPEAL PROCEDURE